

03/03/2023

NSW Law Reform Commission
Locked Bag 5000
Parramatta NSW 2124

Via email: nsw-lrc@justice.nsw.gov.au

Dear NSW Law Reform Commission,

Re: Review of serious road crime

ACYP welcomes the opportunity to provide brief comments in relation to the NSW Law Reform Commission's (NSW LRC) review of serious road crime.

Established under the *Advocate for Children and Young People Act 2014*, the Advocate for Children and Young People (**ACYP**) is an independent statutory appointment overseen by the Parliamentary Joint Committee on Children and Young People. ACYP advocates for the safety, welfare and well-being of children and young people aged 0-24 years and promotes their participation in decisions that affect their lives. The Act requires ACYP to 'give priority to the interests and needs of vulnerable and disadvantaged children and young people' and to 'focus on systemic issues affecting children and young people'. Further information about ACYP's work can be found at: www.acyp.nsw.gov.au.

General Comments

ACYP acknowledges significant community concern relating to dangerous and unsafe driving, and the immeasurable impact and trauma that serious road crime incidents can have for individuals, families and communities, but urges caution in any review of the law relating to serious road crime. Alongside appropriate supports for victims, it is important that the emphasis of any reform is on supporting initiatives and approaches which have been shown to increase road safety awareness. The focus should be on preventing serious injury and death, rather than punitive approaches which might have adverse flow-on impacts – such as the criminalisation of young people.

Worldwide, young people aged 10 to 24 are more likely to die from traffic incidents including car, motorcycle and pedestrian collisions than any other cause.¹ Whilst young people make up around 15 percent of all licence holders in NSW, younger drivers represent almost a quarter of annual road

¹ GBD 2019 Adolescent Transport and Unintentional Injuries Collaborators., 'Adolescent transport and unintentional injuries: a systemic analysis using the Global Burden of Disease Study 2019', *The Lancet: Public Health*. Vol, 7(8), W657-E667, August 2022, [https://doi.org/10.1016/S2468-2667\(22\)00134-7](https://doi.org/10.1016/S2468-2667(22)00134-7).

fatalities.² Research has shown that a range of factors contribute to these high rates of injury and death, including driver inexperience and risky driving behaviour. For example, the “*Growing Up In Australia: The Longitudinal Study of Australian Children*” found that almost 80 percent of provisional drivers aged 16-17 engaged in risky driving on at least one of their 10 most recent trips.³ It is well evidenced that areas of the brain relating to impulse control and decision making are still developing in teenagers, which might contribute to engagement in risky behaviour.⁴ Despite this, it is also worth noting that a recent report by the University of NSW and the George Institute for Global Health found that young drivers from areas of low socio-economic status continue to have higher rates of motor vehicle crashes into adulthood than those from more affluent areas in NSW, and this divide was not explained by known crash risk factors.⁵

Given that young people are often over-represented as both victims and drivers in serious road incidents, it is critically important that any review gives consideration to their particular needs and experiences.

Increase investment into driver education and safety courses for young people

Across a number of ACYP’s previous consultations with children and young people in NSW, there has been a call to make driver’s education courses, including both driver licence and driver safety courses, more accessible to young people. For example, in previous consultations on behalf of the NSW Education Standards Authority (NESA) on the future needs of education, just under two-thirds of children and young people (62.6%) reported that life skills, such as driver’s education were among the most important skills that students should develop at school.⁶ The importance of having access to safe driving courses has also been raised in ACYP’s consultation with young people experiencing vulnerabilities, such as young people in the out-of-home care system and those experiencing homelessness.⁷

ACYP is aware that a number of initiatives exist across NSW to support young people to access their driver’s licence and support safer driving behaviours. Best practice examples include the Western Riverina Community School Road Safety Project⁸, Driving Change⁹ and Driver Licensing Access

² Transport for NSW, ‘NSW Road Safety Progress Report 2021’, Centre for Road Safety, 2021.

³ S. Vassallo, ‘[Risky driving among Australian teens](#)’, *Growing Up in Australia: The Longitudinal Study of Australian Children (LSAC) Annual Statistical Report 2018*, December 2019.

⁴ *Ibid.*

⁵ H. Moller et. al., ‘Socioeconomic status during youth and risk of car crash during adulthood – findings from the DRIVE cohort study’, *Journal of Epidemiology and Community Health*, vol.75(8), March 2021, DOI:[10.1136/jech-2020-214083](#)

⁶ ACYP Consultation Report, *The future of education*, 2018, p.8.

⁷ ACYP Consultation Report, *What children and young people experiencing homelessness had to say*, March 2017, p.24; ACYP Consultation Report, *Report on consultation with socially excluded children and young people*, October 2018, p.46.

⁸ For information see: [Western Riverina Community School Road Safety Project](#)

⁹ For more information see: <https://www.georgeinstitute.org/projects/driving-change>

Program.¹⁰ There are also a range of other programs run through schools¹¹, Youth Justice and Corrective Services¹², TAFE NSW¹³, PCYCs¹⁴, community-based programs¹⁵, as well as private driving lessons. Some of these programs provide subsidies or other supports to address cost-related and other barriers for disadvantaged young people; however, throughout our consultations with children and young people we have consistently heard that these programs need to be more widely available and that a number of barriers remain. As a result, we recommend a focus on expanding investment into services which support young people to access driver licensing programs, whilst also placing an emphasis on improving access to the Safe Driver Course and other driver safety and education programs for young people, with a focus on those experiencing disadvantage.

We note that a number of these themes are reinforced by a recent report from the Joint Standing Committee on Road Safety's Inquiry into support for rural and regional learner drivers in NSW. The Committee's Report noted that "learner drivers in rural and regional areas may not have access to driving instructors due to there being an insufficient number in their area, as well as cost of hiring an instructor"; and that "learner drivers in rural and regional areas face difficulty in sourcing and affording safe vehicles to learn on...this means drivers tend to learn in older, less safe vehicles". The Committee made a number of recommendations relating to the provision of driver education and safety courses and increasing access to safer vehicles for rural and regional learner drivers. ACYP recommends that the NSW LRC consider the findings of that report as part of the current review.

Embed the voices of young people in any reform

In November 2022 the Minister for Metropolitan Roads, the Hon. Natalie Ward MLC, announced that the NSW Government will initiate an inquiry in the next term of Government to review road safety and complement the NSW LRC's current review.¹⁶ ACYP notes the importance of ensuring that both the current NSW LRC review and any future inquiries place an emphasis on consulting with young people in relation to understanding key issues and ideas for potential solutions and interventions. This should include a consideration of the types of supports that young people require to increase driver safety, as well as the most effective interventions to effect behaviour change.

¹⁰ For further information, see: <https://roads-waterways.transport.nsw.gov.au/roads/licence/driver/driver-licence-access-program/index.html>

¹¹ Across all levels of schooling, there are an extensive number of programs which focus on road safety both within and outside the curriculum designed in partnership with Transport for NSW Centre for Road Safety. These programs are available across the different school sectors. Further information can be found at: <https://roadsafety.transport.nsw.gov.au/stayingsafe/schools/roadsafetyeducationprogram.html>

¹² Youth Justice NSW and Corrective Services NSW have recently partnered with Roads and Maritime Services to have the learners and provisional drivers test available within their centres.

¹³ TAFE NSW offers an accredited course in Foundation Skills for Learner Drivers in partnership with Service NSW. Further information can be found at: <https://www.tafensw.edu.au/course/-/c/c/10748NAT-01/FoundationSkills-for-Learner-Drivers>

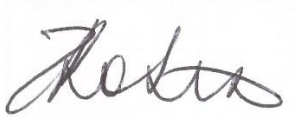
¹⁴ PCYC NSW is the largest provider of the Safer Drivers Course, further information can be found at: <https://www.pcycdriveducationprograms-sdc.org.au/>

¹⁵ See for example: WEAVE Youth and Community Services 'Driving Change' Program <https://www.weave.org.au/programs/driving-change-program/>; Stepping Stone House 'Drive to Freedom' program <https://steppingstonehouse.com.au/wp-content/uploads/2020/09/SSH-Annual-Report-2018-low-res-1.pdf>

¹⁶ NSW Government, 'Parliamentary Inquiry into Road Safety' NSW Government Media Releases, November 2022.

Thank-you once again for the opportunity to provide feedback as part of the NSW LRC's Review.
Should you wish to discuss these matters further, please do not hesitate to contact my office via:
acyp@acyp.nsw.gov.au or ph: (02) 9248 0970.

Yours Sincerely,



Zoë Robinson

Advocate for Children and Young People
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