

# YOUR **P****L**ATES



**ACT**  
Government

Justice and Community Safety

## **ACT GRADUATED LICENSING SCHEME REFORM**

COMMUNITY FEEDBACK DISCUSSION PAPER

Justice and Community Safety Directorate

October 2018



# INTRODUCTION

Ensuring the safety of drivers and other road users in the ACT is a priority for the ACT Government. The ACT Government is committed to achieving Vision Zero, and realising the goal of zero deaths and serious injuries on ACT roads.

Young and novice drivers are disproportionately represented in casualty crashes in the ACT. Provisional drivers represent only 6.5 per cent of all active car licence holders, but accounted for 14.3 per cent of drivers involved in fatal accidents in the five year period between 2011-15.

The involvement of 17 year old ACT drivers in casualty crashes is almost three times their proportion of the licenced population. Preliminary assessment of crash data from 2017 demonstrates that young and provisional drivers are again significantly overrepresented in fatal and injury crashes. In 2017, there were five fatal crashes and 751 injury crashes. Of those five fatal crashes, two involved provisional drivers, aged 19 and 20 years, and one involved a 22 year old provisional motorcyclist.

The proposed measures align with most components of the top level model within the Transport and Infrastructure Council endorsed Australian Graduated Licensing Scheme Policy Framework (the national framework). The intention of the national framework is to encourage and guide improvements to road safety outcomes in all states and territories. Most states and territories have implemented components of the national framework that meet the “standard”, “enhanced”, or “exemplar” models.

The ACT does not currently meet the ‘standard’ model.

Consultation about the proposed changes occurred between 3 April 2018 and 22 June 2018. The ACT Justice and Community Safety Directorate held conversations with young people during Youth Week. Driving instructors and industry representatives have also provided input. The community has provided feedback via an online survey, phone survey and face-to-face discussions. The community was also encouraged to share its thoughts using a Kitchen Table Discussion Guide.

The largest proportion of responses were from young people, with almost 60 per cent of survey respondents aged 16-25 years. The community has provided significant feedback about the impact some proposed measures may have on the social and work lives of young people.



# CONTENTS

INTRODUCTION .....	2
INCREASING MINIMUM LEARNING HOURS AND THE MINIMUM LEARNER PERIOD.....	4
INTRODUCING HAZARD PERCEPTION TESTING .....	6
REDUCING THE DEMERIT POINT THRESHOLD TO 4 POINTS IN 3 YEARS.....	7
INTRODUCING P1 (FOR 12 MONTHS) AND P2 (FOR TWO YEARS) TO STAGE RESTRICTIONS .....	8
IMPLEMENTING FULL MOBILE PHONE INTERACTION BAN FOR NOVICE DRIVERS (INCLUDING HANDS-FREE) .....	9
LATE NIGHT PASSENGER RESTRICTIONS FOR P1.....	10
NATIONAL GRADUATED LICENSING SCHEME FRAMEWORK MODEL .....	12

This paper provides revised options based on community feedback, and aligns more closely with the passenger restrictions in NSW. The original proposal has been adjusted to balance road safety with the feedback we received from the community. While acknowledging the issues that people might face, the proposed changes are still focused on improving safety by removing restrictions as experience is gained.

We have included more content on how the proposed scheme would work. This is an opportunity to influence new drivers' learning and development on the road, and to set them up for a lifetime of safe and responsible driving behaviour.

Changes introduced will only apply to drivers that have not yet entered that stage of the licensing system upon commencement of the new system. Changes will not be retrospectively applied.

Reforming the Graduated Licensing Scheme is crucial to contributing to the realisation of the ACT's Vision Zero goal. There is strong research and evidence showing that the proposed measures save young lives.



**Shane Rattenbury MLA**  
Minister for Road Safety





# INCREASING MINIMUM LEARNING HOURS AND THE MINIMUM LEARNER PERIOD

Without an extensive amount of supervised learner driving, it is possible that some ACT learner drivers will not experience driving under more challenging and complex situations until after obtaining their provisional licence. Evidence supports setting minimum supervised hours including minimum required hours at night. Increasing minimum hours and extending the timeframe of the learner period allows a driver to gain more experience before independent driving commences.

We do not propose to increase the age of learner (15y9m) or provisional (17y) eligibility from what it is now.

## WHAT WE HEARD

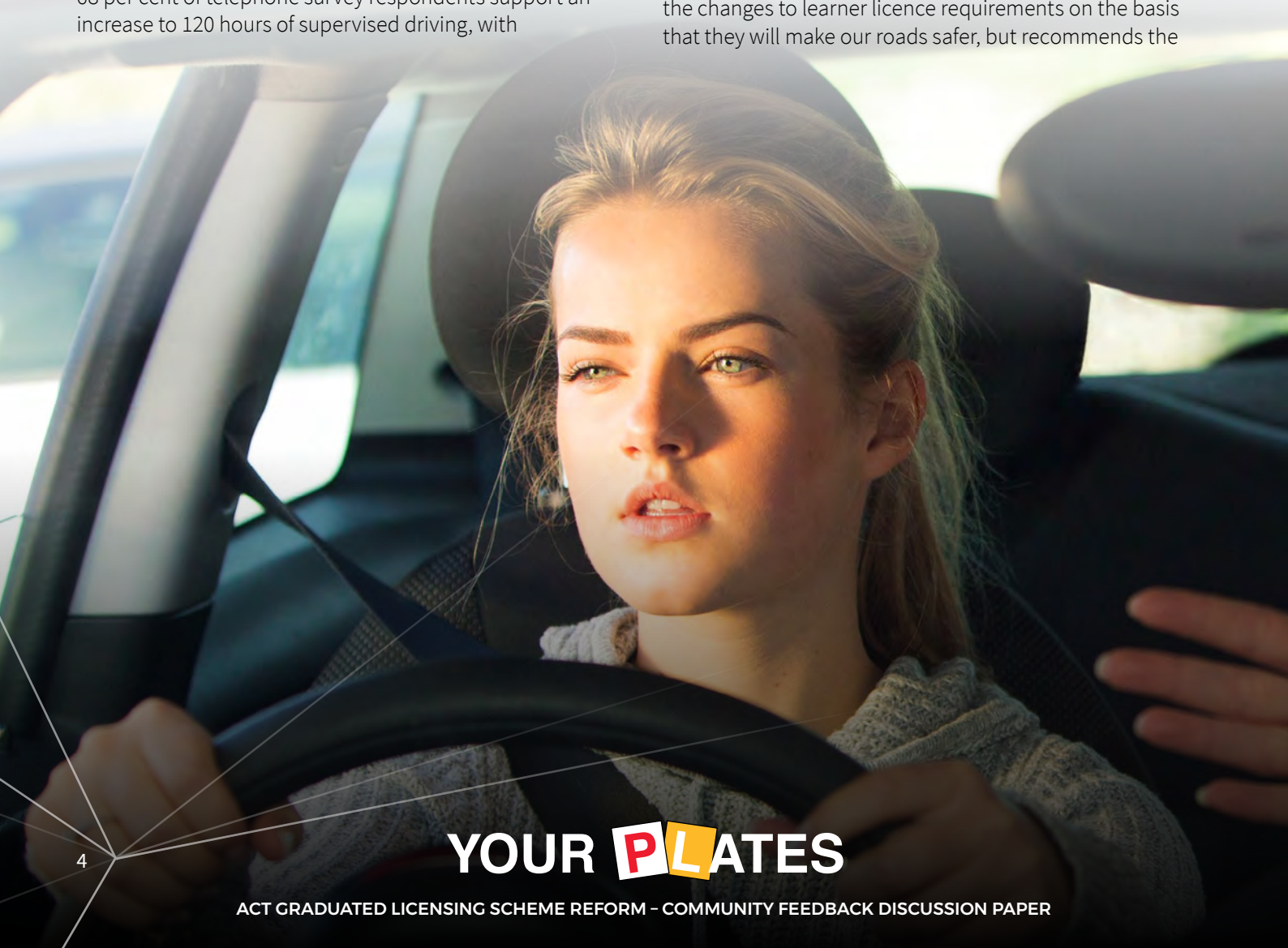
68 per cent of telephone survey respondents support an increase to 120 hours of supervised driving, with

58 per cent supporting increasing the minimum learner period to 12 months. Almost 50 per cent of provisional driver respondents to the online survey chose increasing minimum supervised driving hours as the component they consider to be the most effective at reducing rates of serious injury or death among new drivers.

From the online survey, we know that the community understands the reasoning and overall benefits associated with increased learner driver experience, and the logic to spread that driving experience over a 12 month period. The community has also suggested the need for driving experience to be acquired in a range of weather or traffic conditions.

We also heard concerns about potential barriers to achieving the minimum hours, such as the cost of lessons or availability of a suitable supervised driver.

The Youth Advisory Council, for example, strongly supports the changes to learner licence requirements on the basis that they will make our roads safer, but recommends the





need to create programs to support disadvantaged or 'at risk' young people to get their licence and become independent, as well as options for subsidised driving instructor lessons and providing support for parents of young drivers.

The NRMA suggested that the minimum number of learner hours should be 120 hours (including 20 hours at night), consistent with NSW, and should include options to credit the hours by participation in education or instructed lessons. The NRMA also suggested that the government support a program for Learner Driver Mentors.

We recognise that some young people may have carer responsibilities, and may need special consideration in speeding up their eligibility for a provisional licence.

## BASED ON THIS...

We propose to introduce a logbook scheme, where a learner will be required to hold a learner licence for minimum of 12 months and record a minimum of 100 supervised driving hours (including at least 10 hours at night) before they will be eligible to apply for a provisional licence. We are investigating options for recording hours via an online logbook or phone app.

We propose to design a logbook credit incentive, similar to NSW, where 30 logbook hours would be credited for 10 hours of driving experience accrued with an accredited

driving instructor; and 20 logbook hours would be credited for successful completion of an education program (equivalent to the NSW Safer Drivers course). The expiry of a learner licence is proposed to be increased to 5 years.

We propose to implement a model for learner drivers older than 25 years of age that does not require the same level of supervised driving before progressing to provisional driver tests.

We propose to investigate options to subsidise the cost and reduce barriers to licensing for people who need it.

We propose to establish a special circumstance exemption framework for conditional licences (similar to the current under-age licensing application system).

## MODELLING BY AUSTROADS PREDICTS THAT REQUIRING AT LEAST

 **80 HOURS**

OF SUPERVISED DRIVING WOULD LEAD  
TO A **17-22%** REDUCTION  
IN PROVISIONAL

**DRIVER CRASHES 18 AND  
FOR DRIVERS AGED OVER**



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# INTRODUCE HAZARD PERCEPTION TESTING

Hazard Perception Testing (HPT) is a computer based touch screen test that measures a driver's ability to recognise potentially dangerous situations on the road and respond appropriately.

There is currently no HPT requirement in the ACT, but there is evidence of the role this test can play in determining when someone is ready to drive on their own.

## WHAT WE HEARD

Around 30 per cent of provisional driver respondents to the online survey chose hazard perception testing as what they consider to be the most effective component in reducing rates of serious injury and death among new drivers.

The online survey also asked respondents about penalties for failing hazard perception testing. We heard ideas around defining the appropriate period between testing, or requiring a learner to achieve a certain number of supervised driving hours before they can try again.

Hazard perception testing was strongly supported by stakeholders.

## BASED ON THIS...

We propose to introduce HPT as a mandatory requirement for moving from a learner licence to a P1 licence, consistent with the NSW model.

We will explore evidence based responses to improve the skills of people who fail the HPT, before they are retested.

**THERE IS EVIDENCE THAT DRIVERS WHO FAIL**

**HPT** 

**ARE AT LEAST TWICE MORE LIKELY TO BE INVOLVED IN A**

**CRASH** 

**COMPARED TO THOSE WHO PASS ON THEIR FIRST ATTEMPT.**



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# REDUCING THE DEMERIT POINT THRESHOLD TO 4 POINTS IN 3 YEARS

The national framework supports swift, certain and severe sanctions in deterring high risk driving behaviour, and provides for 'low' or 'very low' demerit point thresholds for novice drivers.

Currently provisional drivers who have held a licence for at least 6 months are able to increase their demerit point threshold, from 4 points to 8 points, by successfully completing the Road Ready Plus course.

## WHAT WE HEARD

Community feedback shows general support for reducing the demerit point threshold for provisional licence holders, understanding the need for immediate consequences for bad driving decisions. Some concerns have emerged about the risk of accruing points for small mistakes or for low range speeding, however, our data shows that the vast majority of provisional drivers will not be impacted by the proposed changes. The community has also offered suggestions about more serious responses to risky driving behaviour.

The NRMA and Youth Advisory Council supported a reduction to demerit points as they considered this would encourage safer driving decisions by provisional drivers with the understanding that one or two poor choices could result in a loss of licence. The NRMA also suggested a

zero tolerance approach to speeding as in NSW where an offence by a P1 driver results in a minimum three month licence suspension.

The Amy Gillet Foundation also supported investigation into options that incentivise good driving behaviour, such as reduced cost for registration or licence renewals.

## BASED ON THIS...

We propose to remove the option for provisional drivers to increase their demerit point threshold via the Road Ready Plus course.

We will investigate incentives for safe driving, for provisional drivers with a demerit free period.

We will design clear and concise education materials to assist novice drivers to understand the infringement system and risk of licence suspension.

**88%<sup>OF</sup> 16-19**  
**YEAR OLD ACT**  
**DRIVERS DID NOT**  
**INCUR A DEMERIT**  
**POINT AT ALL IN 2016**



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# INTRODUCING P1 (FOR 12 MONTHS) AND P2 (FOR TWO YEARS) TO STAGE RESTRICTIONS

The probability of being involved in a motor vehicle accident is highest during the first months of provisional licensing. The reason for this is that driving unsupervised requires judgement, risk assessment and decision making skills that develop over time with experience, guidance and cognitive development.

A graduated licensing scheme with two provisional licensing stages is better able to distinguish and target restrictions for this most at risk category of drivers in the ACT, while gradually lifting restrictions as young drivers gain skill, confidence and experience on the road.

## WHAT WE HEARD

Community feedback strongly supports this approach, with some queries about how the P1 and P2 system would operate in practice.

The Youth Advisory Council supported this element.

## BASED ON THIS...

We propose to implement red P's for P1 drivers, and green P's for P2 drivers to help distinguish between stages, consistent with the NSW approach. However, we do not propose to implement speed limit or vehicle restrictions at any provisional stage.

We propose to implement a system that acknowledges the higher risk of younger drivers, so that drivers over 25 years of age who pass Hazard Perception Test, and driver qualification test/competency based testing, will move straight to the P2 licence stage.



**THE INVOLVEMENT OF 17 YEAR OLD DRIVERS IN CASUALTY CRASHES WAS ALMOST THREE TIMES THEIR PROPORTION OF THE LICENCE HOLDING POPULATION DURING 2011-15, SUPPORTING THE NEED FOR STRICTER CONDITIONS AT THE INITIAL INDEPENDENT LICENSING STAGE.**



YOUR **P** **L**ATES





# IMPLEMENTING FULL MOBILE PHONE INTERACTION BAN FOR NOVICE DRIVERS

Any activity that distracts a driver or competes for their attention while operating a vehicle can not only result in lane deviations, greater fluctuations in speed and delays in driver reaction time, but also increases the risk of a driver not anticipating, and responding appropriately to, unexpected hazards.

Evidence shows that young drivers are more prone to distraction. Research published by the University of Canberra in August 2016, surveyed 612 young ACT drivers (aged 17-24 years) on the extent and nature of risky driving behaviours. The paper noted that 73 per cent of the survey sample had read at least one text message while driving in the past week, while 55 per cent had sent at least one text message. Participants reported using mobile phones while driving in other ways, including for GPS navigation (61 per cent) and social media (21.2 per cent).

## WHAT WE HEARD

Community feedback strongly supports the proposed mobile phone ban. 85 per cent of telephone respondents supported a total mobile phone ban. Online survey responses raised concerns about the need to use GPS applications on properly secured phones to assist in navigation.

The NRMA supports this measure for learner and provisional drivers, while the Youth Advisory Council strongly supports the change, subject to allowing hands-free GPS smart phones or devices.

Community feedback has also indicated a desire for a mobile phone ban to be extended to all driver licence classes.

## BASED ON THIS...

We propose a total ban on mobile phone usage for learner and provisional drivers while they are driving for the entire novice period, including talking, hands-free and speaker mode, or for any application that requires the user to touch the device during travel.

We propose that voice-guided GPS phone applications can be used if the phone is programmed before the trip starts so that it does not require any interaction during travel and is in Do Not Disturb mode.

**EVIDENCE SUGGESTS THAT  
HANDS-FREE  
PHONES  
ARE  
NOT SAFER TO USE  
WHILE DRIVING THAN HAND-HELD  
DEVICES, AS COGNITIVE DISTRACTION  
HAS THE MOST SIGNIFICANT IMPACT ON  
DRIVING PERFORMANCE**





# LATE NIGHT PASSENGER RESTRICTIONS FOR P1 ONLY

The original Your PLates discussion paper proposed restrictions on P1 drivers for late night (midnight to 5am) driving, and carrying multiple peer passengers. These components are recommended by the 'exemplar' model of the national framework. The community feedback we received raised significant concerns that the components were too restrictive. However, we can't ignore the road safety evidence that supports these restrictions.

Research confirms the effectiveness of night time driving restrictions as a component of the GLS in reducing provisional crashes. Even after being granted a provisional licence young drivers continue to be at a heightened risk of crashing as the dangers of distraction, challenging driving conditions and fatigue are enhanced at night.

Research indicates that transporting peer aged passengers has also been shown in many studies to significantly increase crash risk for young drivers, given the opportunity for distraction and sometimes

encouragement for risk taking behaviour. The risks are highest for 16-17 year old drivers but also elevated for 18-19 year old drivers when multiple passengers are present in the same vehicle.

In the ACT, between 2006 and November 2017, 15 young drivers (between 17-24 years of age) died, with five of those driver deaths occurring between midnight and 5am. Of those five fatalities, three drivers were carrying at least three passengers.

## WHAT WE HEARD

67 per cent of telephone survey respondents supported the restriction for P1 drivers carrying peer aged passengers and 40 per cent supported late night restrictions.

While it is clear that a significant proportion of the younger section of the Canberra community understand the rationale behind the proposed restrictions, feedback suggested that they also consider the changes to be an impediment to their ability to gain independence and would negatively impact their work and social lives.



We heard significant support for exemptions for the purpose of employment, education, family and emergencies to the original proposal of restricting P1 drivers carrying multiple passengers and driving at night.

The Youth Advisory Council has voiced concerns over the effect of passenger and late night restrictions on the work, study and lifestyles of young people in the ACT, particularly young families and carers. The Amy Gillet Foundation (AGF) is supportive of a restriction where a P1 driver can only carry one peer passenger at anytime, subject to exemptions for siblings and children.

ACT Policing, NRMA and AGF have advocated for consistency with NSW by adopting a model that combines night and passenger restrictions for P1 drivers. They argued that this approach balances young driver independence with safety.

## BASED ON THIS...

We propose to adopt the NSW model, where a P1 driver is restricted to carrying one peer passenger between the hours of 11pm and 5am, but is not restricted during other hours. It is proposed that peer aged passengers will include those aged between 16 and 22 years.

This approach allows P1 drivers to go about their usual work, study and lifestyle schedules as they do under existing provisional driver arrangements, with the exception that they may not drive with more than one peer passenger in the late night hours.

We do not propose to implement a formal exemption application process; exemptions will apply automatically for family and for employment purposes (paid or volunteer). Exemptions will not be applied for the purposes of designated driving for more than one peer aged passenger at a time.

We propose that provisional drivers over 25 years of age not be subject to P1 restrictions, acknowledging that most risk is reduced with age and cognitive development.

We propose to implement an infringement model for a breach of the conditions similar to that in other jurisdictions, including NSW, which includes a financial penalty and 3 demerit points.

**AUTOMATIC EXCEPTIONS FOR  
P1 DRIVERS IN  
RELATION TO NIGHT TIME  
PASSENGER RESTRICTIONS\*  
WILL APPLY FOR  
FAMILY AND  
EMPLOYMENT  
PURPOSES.**



## NATIONAL GRADUATED LICENSING SCHEME FRAMEWORK MODEL

Obtaining Learner	Obtaining P1	Obtaining P2	Obtaining full
Must be 15y9m	Must be 17y	Held P1 for 12 months	Held P2 licence for at least 24 months
Complete Road Ready and pass driver knowledge test	Held learner licence for at least 12 months (unless >25y, then 6m)		
	Logged at least 100hours (inc 10 at night) (exemption by application as >25yo, or under special circumstance)	If over 25y go straight to P2, after passing HPT and either CBTA or driving test	
	Pass HPT		
	CBTA or driving test		
Conditions/requirements/restrictions	Conditions/requirements/restrictions	Conditions/requirements/restrictions	Conditions/requirements/restrictions
Must be supervised by a fully licenced driver			
Zero BAC	Zero BAC	Zero BAC	0.05 BAC
No mobile phone	No mobile phone (except for GPS function)	No mobile phone (except for GPS function)	Can use hands-free
	Peer passenger restriction (one peer age only) between 11pm and 5am		
Must have completed 100h (inc 10 at night) (20 hour credit for the participation in suitable education, 30 hour credit for 10 hours of professional driver instruction)	Exemptions for family and employment Not applicable for >25y		
Penalties	Penalties	Penalties	Penalties
Must not accrue four or more demerit points in a three year period	Must not accrue four or more demerit points in a three year period	Must not accrue four or more demerit points in a three year period	Must not accrue 12 or more demerit points in a three year period

Consultation on this Discussion Paper opens on 17 October for a period of four weeks, closing on 14 November 2018. If you have any feedback you would like considered, please email [roadsafety@act.gov.au](mailto:roadsafety@act.gov.au) or write to YourPlates Review, Road Safety Policy, Justice and Community Safety Directorate, ACT Government GPO Box 158, Canberra ACT 2601.