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## **Restrictions on Young Drivers Under the Transport Legislation and Another Act Amendment Act 2007 (Qld)**

*Among all Queensland drivers, it is those aged 17 to 24 who are at most risk of having a road crash in the first year of their provisional licence. Those young drivers are at least two and a half times more likely to be killed in crashes than other drivers.*

*In February 2007, the Queensland Government passed the Transport Legislation and Another Act Amendment Act 2007 (Qld) to support the phasing in of new rules to apply to young learner and provisional drivers, the first phase of which commences in July 2007. This Research Brief will look at trends and issues relating to young drivers and then discuss the Parliamentary Travelsafe Committee Reports and a Queensland Government Discussion Paper which considered a number of measures for protecting young drivers. It will then examine the features of the new laws coming into effect from July 2007, and provide a brief review of young driver restrictions in other jurisdictions.*

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## CONTENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>.....</b>
<b>1 INTRODUCTION.....</b>	<b>1</b>
<b>2 BACKGROUND.....</b>	<b>1</b>
2.1 YOUNG DRIVER ISSUES AND TRENDS.....	2
<b>3 NEW LEGISLATIVE DEVELOPMENTS IN QUEENSLAND .....</b>	<b>4</b>
3.1 ‘QUEENSLAND YOUTH – ON THE ROAD AND IN CONTROL’ .....	4
<b>4 THE TRANSPORT LEGISLATION AND ANOTHER ACT AMENDMENT ACT 2007 (QLD).....</b>	<b>6</b>
4.1 LEARNER DRIVERS .....	8
4.1.1 Reducing the Learner Licence Age to 16 Years .....	9
4.1.2 Extending the Minimum Learner Licence Period to 12 Months .....	9
4.1.3 100 Hours of Driving Experience and Logbooks .....	10
4.1.4 Restricting Mobile Phone Use .....	11
4.2 PROVISIONAL LICENCE HOLDERS .....	11
4.2.1 Overview of Two-Stage Provisional Phase .....	12
4.2.2 Minimum Provisional Licence Period .....	12
4.2.3 Display of P Plates .....	13
4.2.4 Effect of Disqualification.....	14
4.2.5 Peer Passenger Restrictions .....	14
4.2.6 High Powered Vehicle Restrictions .....	16
4.2.7 Restrictions on Late Night Driving.....	17
4.2.8 Mobile Phone Bans and Restrictions .....	18
4.2.9 Hazard Perception Testing.....	18
<b>5 YOUNG DRIVER RESTRICTIONS IN OTHER JURISDICTIONS.....</b>	<b>19</b>

5.1	NEW SOUTH WALES.....	20
5.2	VICTORIA .....	21
5.3	WESTERN AUSTRALIA.....	21
5.4	AUSTRALIAN CAPITAL TERRITORY .....	21
5.5	SOUTH AUSTRALIA.....	22
5.6	TASMANIA AND THE NORTHERN TERRITORY .....	22
5.7	SOME OVERSEAS EXAMPLES.....	22
	<b>APPENDIX A: SUMMARY OF DRIVER RESTRICTIONS.....</b>	<b>23</b>
	<b>RECENT QPL RESEARCH PUBLICATIONS 2007 .....</b>	<b>35</b>

## **EXECUTIVE SUMMARY**

In February 2007, the Queensland Government passed the *Transport Legislation and Another Act Amendment Act 2007* (Qld) to support the phasing in of new rules to apply to young learner and provisional drivers. The first phase commences in July 2007.

The Research Brief firstly considers trends and issues relating to young drivers on **pages 2-4**. It then briefly discusses two reports tabled by the Queensland Parliamentary Travelsafe Committee in December 2003 and a Queensland Government *Discussion Paper* on **pages 4-6**. The Travelsafe Committee Reports, *Reducing the road toll for young Queenslanders – is education enough?* and *Provisional Driver and Rider Licence Restrictions* considered ways to reduce young driver crashes and made a number of recommendations. The Queensland Government's October 2005 'Queensland youth – on the road and in control' *Discussion Paper* sought to engage the community in relation to proposals to improve young driver safety.

The features of new rules for young learner and provisional drivers, authorised by the recently enacted *Transport Legislation and Another Act Amendment Act 2007* (Qld), are outlined on **pages 6-19**. These include (but not all restrictions apply to drivers aged 25 years and over) –

- for **learner drivers** – reducing the minimum age to obtain a learner licence to 16 and extending its length to 12 months; requiring a minimum of 100 hours on-road driving experience to advance to a provisional licence; and a ban on all mobile phone use while driving;
- for **provisional drivers** – a split provisional phase; display of P plates; a hazard perception test to advance from the first to the second provisional phase; bans on all mobile phone use while driving for the first year of provisional driving; restrictions on carrying peer passengers late at night for the first year of driving; late night driving restrictions on provisional drivers returning from a driving disqualification; high powered vehicle restrictions; and requiring provisional and open licence holders to recommence at the first provisional stage when returning from disqualification.

The Brief then provides a review of young driver restrictions in **other jurisdictions** on **pages 19-22** and in **Appendix A**.

The information contained in this Research Brief is current as at 18 April 2007.



## 1 INTRODUCTION

Learning to drive or gaining post-licence experience often occurs at a time when many other events are occurring in a young person's life – leaving school; beginning a job, training, or tertiary studies; attaining the legal drinking and voting age; and moving out of home. Moreover, having a licence provides a young person with the independence to be able to participate in work or study or social events. Regrettably, among all Queensland drivers, it is those aged 17 to 24 who are at most risk of having a road crash in the first year of their provisional licence. Those young drivers are at least two and a half times more likely to be killed in crashes than other drivers.<sup>1</sup>

The Queensland Minister for Transport and Main Roads recently commented that many parents have told him that they lie awake at night waiting for the sound of their son's or daughter's car to know that they are home safely.<sup>2</sup>

In February 2007, the Queensland Government passed the *Transport Legislation and Another Act Amendment Act 2007* (Qld) to support the phasing in of new rules to apply to young learner and provisional drivers. The first phase commences in July 2007. This Research Brief will look at trends and issues relating to young drivers and then discuss two Parliamentary Travelsafe Committee Reports and a Queensland Government *Discussion Paper* which considered a number of measures for protecting young drivers. It will then examine the features of the new laws coming into effect from July 2007, and provide a brief review of young driver restrictions in other jurisdictions.

## 2 BACKGROUND

Statistics published by the Australian Transport Safety Bureau show that 334 drivers and passengers aged 17-25 died on Australia's roads between February 2006 and January 2007.<sup>3</sup>

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<sup>1</sup> Queensland Transport, 'Provisional licence changes', *Fact Sheet*, [http://www.transport.qld.gov.au/Home/Licensing/Learn\\_to\\_drive/Young\\_drivers/](http://www.transport.qld.gov.au/Home/Licensing/Learn_to_drive/Young_drivers/).

<sup>2</sup> Queensland Government, Queensland Transport, 'Queensland youth: on the road and in control', *Discussion Paper*, October 2005, Message from the Minister (Hon Paul Lucas MP), [http://www.transport.qld.gov.au/resources/file/eb86ee0761c7753/Young\\_Drivers\\_Discussion\\_Paper.pdf](http://www.transport.qld.gov.au/resources/file/eb86ee0761c7753/Young_Drivers_Discussion_Paper.pdf).

<sup>3</sup> Australian Government, Australian Transport Safety Bureau, *Road Deaths Australia*, January 2007, p 7.

Queensland Department of Transport (Queensland Transport) figures reveal that the Queensland road toll in 2005 was 330, with 17-24 year olds making up 73 (or 22%) of the fatalities.<sup>4</sup> Young drivers aged 17-24 made up just 13% of all motorists but comprised 32% of the road toll. Young drivers were involved in the loss of 106 lives on the road during 2005.<sup>5</sup> It appears that young drivers are two and a half times more likely to be killed on our roads than other drivers.<sup>6</sup>

It seems that young driver fatalities in Queensland (per 100,000 of the population) are 'mid range' for all young Australian drivers and that young Australian drivers rank well below driver fatalities in the United States of America but above those in the United Kingdom.<sup>7</sup> However, the loss of any lives in road crashes is tragic.

## 2.1 YOUNG DRIVER ISSUES AND TRENDS

The Queensland Government's October 2005 [Queensland youth – on the road and in control](#)<sup>7</sup> Discussion Paper commented that the biggest cause of young people aged 23 and 24 dying on Queensland roads was inexperience. Other factors included young drivers' less developed visual and perceptual skills; inability to respond to hazards, as well as less proficiency in handling risks and distractions. The crash rate was higher for young drivers in rural and remote areas, with speed and fatigue being the major factors in those locations.<sup>8</sup>

The Insurance Group, AAMI, annually publishes a [Young Drivers Index](#) (the Index) which seeks to inform and educate the community about trends and issues related to young drivers (defined as drivers aged 18-24 years).<sup>9</sup>

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<sup>4</sup> Queensland Transport, 'Feature Article 4: Updated figures for the 2005 Queensland road toll', [http://www.transport.qld.gov.au/resources/file/eb996a0ec0cb2aa/Statistics\\_feature\\_article\\_4\\_aster\\_road\\_toll.pdf](http://www.transport.qld.gov.au/resources/file/eb996a0ec0cb2aa/Statistics_feature_article_4_aster_road_toll.pdf).

<sup>5</sup> Queensland Transport website, 'Young Drivers', [http://www.transport.qld.gov.au/Home/Licensing/Learn\\_to\\_drive/Young\\_drivers](http://www.transport.qld.gov.au/Home/Licensing/Learn_to_drive/Young_drivers).

<sup>6</sup> Queensland Transport, 'Provisional licence changes'.

<sup>7</sup> Queensland Transport, 'Queensland youth: on the road and in control', p 3.

<sup>8</sup> Queensland Transport, 'Queensland youth: on the road and in control', p 2.

<sup>9</sup> AAMI, *AAMI Young Drivers Index*, November 2006, [http://www.aami.com.au/about\\_aami\\_insurance/aami\\_news\\_centre/pdf/special\\_reports/AAMI\\_YDIndex2006.pdf](http://www.aami.com.au/about_aami_insurance/aami_news_centre/pdf/special_reports/AAMI_YDIndex2006.pdf). The information recorded in the 2006 Index is based on a Sweeney Research telephone survey of 2,384 men and women drivers aged 18 and older in a number of locations around Australia, supported by an analysis of car insurance claims lodged in 2005 by AAMI customers in all jurisdictions, apart from Western Australia.

Some general observations about young drivers made in the most recent 2006 Index were –

- the legal minimum age to be allowed to drink alcohol and to drive occur at similar times in young people's lives;
- young drivers are, because of their lack of experience, less likely to cope with unexpected distractions while driving. Major distractions can come from rowdy or intoxicated passengers and from mobile phones;
- young drivers tend to 'pump up the volume' of their car stereos.

Following on from these comments, key findings from the 2006 Index are –

- young drivers are less likely than older drivers (i.e. those aged 25 and over) to believe that they have driven when probably over the blood alcohol concentration limit – with 38% of young drivers thinking that they may have done so compared with 43% of older drivers. Young drivers are more likely to admit that sometimes they have taken an alternative route home to avoid being breathalysed (25% compared with 17% of older drivers);
- 12% of young drivers believe that it is acceptable for them to drive after a few drinks "as long as I feel capable" compared with 10% of older drivers;
- 52% of young drivers said that they had been distracted by billboards when driving and 89% thought that rowdy or intoxicated passengers could be a real distraction;
- 15% of young drivers admit that they sometimes have more people in their car than there are seatbelts (compared with 6% of older drivers);
- 35% of young drivers (compared with 16% of older drivers) admit to frequent use of their mobile phone without a hands-free kit while driving;
- 50% of young drivers said that they have sometimes lost concentration while changing a CD or radio station while driving and 30% admit that their car stereo would be loud enough for other drivers to hear, even if they had their windows up;
- 15% of young drivers admit to becoming angry at the actions of another driver and tailgating them;
- 40% of young drivers admit to driving tired compared with 25% of older drivers.

It is interesting to note, however, that 55% of young drivers support the need for tougher speeding fines but 25% of them do also admit that they have ignored speed signs on local and suburban roads and around school zones.<sup>10</sup>

Only 27% of young drivers believe that drivers should not be able to carry more than two passengers in their vehicle. This compares with 6% of older drivers.

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<sup>10</sup> AAMI, *AAMI Young Drivers Index (2006)*.

Further, only 20% of young drivers agree that they should not be able to drive at times when fatalities are more likely to occur – midnight and 3am.<sup>11</sup>

### 3 NEW LEGISLATIVE DEVELOPMENTS IN QUEENSLAND

The Queensland Government's community consultation process concerning a new licensing regime to improve young driver safety began with the release of the '[Queensland youth – on the road and in control](#)' *Discussion Paper* in October 2005. This was followed by 10 community forums around the state, market research, and an online forum for driver trainers using expert panel members.

The *Discussion Paper* sought to build upon two reports tabled by the Queensland Parliamentary Travelsafe Committee in December 2003 arising out of two inquiries and public forums considering ways of reducing young driver/rider crashes. For both inquiries, 'young drivers' were defined as 17 to 19 year olds. The reports, [Reducing the road toll for young Queenslanders – is education enough?](#) and [Provisional Driver and Rider Licence Restrictions](#) (Travelsafe Committee Reports Nos 40 and 41) considered ways to reduce young driver crashes and made a number of recommendations. Those included (as will be discussed further below) a two-stage provisional licensing system together with various restrictions and conditions such as display of P plates, late night driving bans, limits on the types of vehicles that can be driven, and hazard perception testing.

Response by the community to the Government's *Discussion Paper* and various forums was considerable, with 2000 submissions made to the *Discussion Paper* and 550 people attending the forums. This process culminated in a *Media Statement* in August 2006 in which the Minister for Transport and Main Roads announced a package of young driver safety measures. On 28 February 2007, the [Transport Legislation and Another Act Amendment Act 2007 \(Qld\)](#) was passed by the Queensland Parliament to provide legislative backing for the Government's initiatives and to authorise a Regulation to prescribe rules about young drivers on learner and provisional licences.

#### 3.1 'QUEENSLAND YOUTH – ON THE ROAD AND IN CONTROL'

The Queensland Government's [Queensland youth – on the road and in control](#)' *Discussion Paper* detailed various initiatives to prepare young drivers – 17 to 24 year olds – for the hazards of driving. Many of the ideas and proposals set out in it were based on research or best practice which has indicated an improvement in

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<sup>11</sup> AAMI, *AAMI Young Drivers Index (2006)*.

young driver safety, while others sought to improve the operation and management of the licensing system in Queensland.<sup>12</sup>

The *Discussion Paper* noted that the period in which young drivers were at greatest risk was during the first year of provisional driving. It is not during the learner driving phase because learner drivers are supervised – thus indicating the importance of the learner phase in developing necessary skills.<sup>13</sup>

It seems that many of the proposals put forward for young drivers will be integrated to various degrees in the Government's new laws, as signalled in the Minister for Transport's Second Reading Speech on the recent legislation to authorise the licensing changes<sup>14</sup> and on the Department of Transport's [Young Drivers](#) website.<sup>15</sup>

The proposals for young learner drivers canvassed in the *Discussion Paper*, to be discussed under the headings below,<sup>16</sup> included reducing the minimum age to obtain a learner licence to 16 and extending its length to 12 months, and requiring a minimum of 120 hours on-road driving experience for learners to advance to a provisional licence (although the new laws will require 100 hours).

The proposals for changes to provisional licences that seem to be taken up include a split provisional phase; display of P plates; a hazard perception test undertaken at some stage during the provisional phase; bans on all mobile phone use while driving for learner drivers and for the first year of provisional driving; restrictions on peer passengers for the first year of driving (although the new laws will impose such restrictions only from 11pm to 5am); late night driving restrictions (the new laws will only impose a late night curfew on provisional drivers returning from a licence suspension); review of penalties for breaches of the law (provisional and open licence holders will have to recommence at the first provisional stage when returning from disqualification); and high powered vehicle restrictions.

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<sup>12</sup> Queensland Transport, 'Queensland youth: on the road and in control', p 1.

<sup>13</sup> Queensland Transport, 'Queensland youth: on the road and in control', p 2.

<sup>14</sup> Hon PT Lucas MP, Minister for Transport and Main Roads, Second Reading Speech, Transport Legislation and Another Act Amendment Bill 2006 (Qld), *Queensland Parliamentary Debates*, 29 November 2006, pp 728-731, p 729.

<sup>15</sup> Queensland Transport, 'Young Drivers', [http://www.transport.qld.gov.au/Home/Licensing/Learn\\_to\\_drive/Young\\_drivers/](http://www.transport.qld.gov.au/Home/Licensing/Learn_to_drive/Young_drivers/).

<sup>16</sup> The initiatives regarding pre-learner education and first aid training on p 7 of the *Discussion Paper* are not discussed here.

Some options that did not appear to find support – and which the *Discussion Paper* appeared to be tentative in suggesting – include incentive and reward options (such as a reduction in the provisional period on successful completion of a special course); speed limit restrictions;<sup>17</sup> and the introduction of competency based training and assessment.<sup>18</sup>

The *Discussion Paper* also considered ways of enhancing parental involvement in the learner driver process; the presentation of information sessions for learner drivers, supervising drivers and parents; education and training support for provisional licence holders; working with driving instructors to ensure they understand the new laws; and an education and media campaign on driver distraction.

#### 4 THE TRANSPORT LEGISLATION AND ANOTHER ACT AMENDMENT ACT 2007 (QLD)

The [\*Transport Legislation and Another Act Amendment Act 2007 \(Qld\)\*](#) (the amending Act), passed by the Queensland Parliament on 28 February 2007, amends the [\*Transport Operations \(Road Use Management\) Act 1995 \(Qld\)\*](#) (TORUM Act) to authorise a Regulation<sup>19</sup> to prescribe rules about the licensing and behaviour of young drivers. The new laws will apply from 1 July 2007.

Section 150 of the TORUM Act authorises Regulations to prescribe rules about the management of drivers such as standards about driver skills and knowledge, driver training, and the testing and licensing of drivers.

The amending Act has inserted a **new s 150AA** into the TORUM Act to provide that a Regulation, to the extent it is about the management of young drivers, may also set out a number of requirements and restrictions as specified in s 150AA. For example, the section provides that a Regulation can be made for young drivers about standards of skills and knowledge; keeping logbooks and mobile phone restrictions.

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<sup>17</sup> Limiting speeds was not a proposal embraced with much enthusiasm, particularly because 52% of young driver deaths occur at under the 100 km/h speed limit and because it would stop drivers gaining experience on freeways: p 19.

<sup>18</sup> The *Discussion Paper* (p 11) presented mixed views regarding the possibility of a CBTA regime where a learner could obtain their provisional licence after undertaking a competency based training course similar to the current Q-RIDE process for motorbike licences.

<sup>19</sup> Advice from an officer at the Department of Transport indicates that it is hoped that the Regulation will be tabled in late May 2007.

A 'young driver' is defined in **new s 150AA(3)** as a driver under the age of 25 years.<sup>20</sup> Section 53 also amends the Dictionary in the TORUM Act to provide that a 'provisional licence' may be subject to conditions, including restrictions, imposed because of the holder's age or limited driving experience.

The **first phase** of the graduated licensing system (new requirements for obtaining and holding learner and provisional licences) takes effect on 1 July 2007. Transitional arrangements will apply to learner drivers who obtained their licence before 1 July 2007, unless the licence is renewed after this date, and it will not be necessary for those learner drivers to complete a logbook. The changes to provisional licences will apply only to persons issued with a provisional licence from 1 July 2007.

The **second phase** (which will include a support package for young drivers having trouble finding a supervisor) will take effect from December 2007, and the **third phase** (hazard perception tests for young drivers to advance from the first stage of provisional driving to the second stage) will begin in mid 2008.<sup>21</sup>

It appears that emergency service workers and Queensland Police officers driving in the course of their employment will be exempted from the new restrictions.<sup>22</sup>

The Royal Automobile Association of Queensland (RACQ) issued a statement in general support of the proposed package of laws which was said to be broadly in line with the RACQ's submissions to the *Discussion Paper*.<sup>23</sup> Its main reservation related to the high powered vehicle restrictions because they had proved difficult to enforce and had alienated many young drivers in places where they have been implemented.<sup>24</sup>

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<sup>20</sup> **New s 150AA(2)** provides that a Regulation about the management of young drivers that is declared under the Regulation as a provision that is not unlawful discrimination on the basis of age for the *Anti-Discrimination Act 1991* (Qld) will not be in breach of the *Anti-Discrimination Act 1991*.

<sup>21</sup> Queensland Transport, 'Provisional licence changes'.

<sup>22</sup> Queensland Transport, 'Provisional licence changes'.

<sup>23</sup> Royal Automobile Club of Queensland (RACQ), 'Submission to Queensland Transport's *Discussion Paper*, February 2006.

<sup>24</sup> RACQ, 'RACQ welcomes young driver reforms', 12 August 2006, <http://www.racq.com.au>.

#### 4.1 LEARNER DRIVERS

The current [Transport Operations \(Road Use Management – Driver Licensing\) Regulation 1999 \(Qld\)](#) (TORUM Regulation) prescribes, apart from the minimum age requirement, that learner drivers must –

- pass a road rules knowledge test to obtain a learner licence: s 9;<sup>25</sup>
- only drive under the direction of a person who has held an open licence for the same class of vehicle for at least 1 year. That person must sit next to the learner: s 6. Unsupervised driving incurs a maximum fine of \$1,500;<sup>26</sup>
- carry their licence when driving;
- display L plates that are conspicuous to anyone else looking at the front or rear of the motor vehicle (but rear only for a motorbike).<sup>27</sup> Failure to do this can attract a fine of up to \$1,500. Similarly, a person must not direct a learner unless the L plate is so displayed or he or she will incur the same penalty: Part 4A;
- have a 0.00 BAC when driving if under the age of 25 years (which also applies to provisional drivers): TORUM Act, s 79;
- all learner and provisional drivers who accumulate 4 or more demerit points in a 12 month period face a 3 month licence suspension or must agree to drive under a period of ‘good behaviour’ for 12 months.<sup>28</sup>

The above requirements will continue but it appears (from the Minister’s Second Reading Speech and information on the Queensland Transport website)<sup>29</sup>, that the new Regulation will impose those additional conditions and restrictions discussed in the headings which follow.

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<sup>25</sup> Different rules set out in Part 3 apply to different classes of licences and licence holders. For the purposes of this Brief, discussion will focus on class C licences (mainly covering cars), unless specified otherwise.

<sup>26</sup> Under the [Penalties and Sentences Act 1992 \(Qld\)](#), s 5, a penalty unit is currently \$75.

<sup>27</sup> Other requirements apply for motorbikes.

<sup>28</sup> Under such a condition, if two or more demerit points are incurred during this period, the licence will be suspended for double the suspension period that would have applied had the licence suspension been taken in the first place.

<sup>29</sup> Hon PT Lucas MP, Second Reading Speech, pp 729-730; Queensland Transport ‘Young Drivers’, [http://www.transport.qld.gov.au/Home/Licensing/Learn\\_to\\_drive/Young\\_drivers/](http://www.transport.qld.gov.au/Home/Licensing/Learn_to_drive/Young_drivers/).

#### 4.1.1 Reducing the Learner Licence Age to 16 Years

It is proposed that a learner licence can be obtained at the age of 16 years, rather than 16 years and 6 months, bringing Queensland into line with the majority of other states and territories. The *Discussion Paper* considered that this change would give learners an extra six months to gain supervised driving experience in a controlled environment, facilitated by extending the minimum learner licence period to 12 months.<sup>30</sup> It noted the experience in Sweden where, in 1993, the learner age limit was lowered to 16, accompanied by a program to encourage the gaining of extensive supervised driving experience. The outcome was that Sweden experienced an overall 15% reduction in the crash rate for novice drivers.<sup>31</sup>

#### 4.1.2 Extending the Minimum Learner Licence Period to 12 Months

Learners will have to hold a learner licence for at least 12 months, as is the case in most Australian jurisdictions, rather than the current 6 months.<sup>32</sup> This measure was proposed in the Queensland Government's *Discussion Paper* as a means of allowing young drivers to gain more driving experience in all seasons of the year.<sup>33</sup>

Motorbike learners will also have to hold a provisional car licence for 12 months before they can obtain a motorbike learner licence.

It is also proposed that learner licence holders aged 25 and over will also need to have a learner licence for a minimum of 12 months rather than 6 months but will not be subject to the requirement of needing to gain 100 hours of driving experience (see below).

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<sup>30</sup> Queensland Transport, 'Queensland youth: on the road and in control', p 10.

<sup>31</sup> Queensland Transport, 'Queensland youth: on the road and in control', p 10. See also NP Gregersen, HY Berg, I Engstrom, S Nolen, A Nyberg, PA Rimmo, 'Sixteen years age limit for learner drivers in Sweden – an evaluation of safety effects', *Accident Analysis & Prevention*, 32(1), 2000, pp 25-35 (abstract only available).

<sup>32</sup> Queensland Transport, 'Learner licence changes', *Fact Sheet*, [http://www.transport.qld.gov.au/Home/Licensing/Learn\\_to\\_drive/Young\\_drivers/](http://www.transport.qld.gov.au/Home/Licensing/Learn_to_drive/Young_drivers/).

<sup>33</sup> Queensland Transport, 'Queensland youth: on the road and in control', p 10.

### 4.1.3 100 Hours of Driving Experience and Logbooks

Learners under 25 years will have to gain 100 hours of supervised on-road driving experience (including 10 hours of night driving) during the 12 months of holding their licence. Learner licences will be valid for 3 years at no additional cost.

Learners aged over 25 do not have to complete a logbook or gain 100 hours of driving experience but are encouraged to do so.

Driving hours must be recorded and certified in a logbook. Entries must be verified by the supervising driver. Penalties will be incurred if the logbook is falsified. Once complete, the logbook will be checked by Queensland Transport before the learner can go for a practical driving test.<sup>34</sup> The Queensland Government's *Discussion Paper* noted that in jurisdictions where logbooks were compulsory, it was reported that most learners complete and submit the logbooks honestly and there were few prosecutions for falsification.<sup>35</sup>

It is envisaged that, if a learner driver uses an accredited driver trainer, one hour of such training will be equivalent to 3 hours of on-road experience up to a limit of 10 hours.<sup>36</sup>

The *Discussion Paper* stated that Swedish research has indicated a significant link between the level of on-road supervised driving experience and improved road safety.<sup>37</sup> While noting possible inconvenience to parents and learners, the *Discussion Paper* advocated a compulsory 120 hours of supervised driving which would triple the amount of experience most learners get before they drive unaccompanied and thereby reduce their crash risk.<sup>38</sup>

From July 2007, New South Wales and Victoria will also require at least 120 hours of compulsory supervised driving before graduating to a provisional licence.

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<sup>34</sup> Queensland Transport, 'Learner licence changes'.

<sup>35</sup> Queensland Transport, 'Queensland youth: on the road and in control', p 9.

<sup>36</sup> Queensland Transport, 'Learner licence changes'.

<sup>37</sup> Queensland Transport, 'Queensland youth: on the road and in control', p 8. It appears that the research referred to is that of NP Gregersen (cited above).

<sup>38</sup> Queensland Transport, 'Queensland youth: on the road and in control', p 9.

#### 4.1.4 Restricting Mobile Phone Use

At present, it is unlawful for *any* driver to use a *hand-held* mobile phone while driving but the proposed laws for learner and first year provisional (P1)<sup>39</sup> drivers who are under 25 also prohibit the use of hands-free phones, Bluetooth accessories and loud-speaker functions. The laws will also ban the use of loudspeaker mobile phone use by supervisors and passengers of young learner drivers and passengers of young P1 drivers.

Queensland Transport states that the ban seeks to remove the potential for distraction to young drivers posed by mobile phones given young drivers' inexperience in handling diversions while driving. While supervisors and passengers are banned from using a loudspeaker phone they will be able to use a hand held or hands-free phone to enable a one way conversation that will not distract the young driver.<sup>40</sup>

The *Discussion Paper* commented that the above initiative might be welcomed by the general community on safety grounds, but it would not find favour with young drivers because, unlike other drivers, they cannot even use a hands-free kit.<sup>41</sup>

Similar restrictions on mobile phone use for learner and P1 drivers are being introduced in Victoria.

## 4.2 PROVISIONAL LICENCE HOLDERS

Pursuant to the authority provided by the **proposed new s 150AA**, regulations will also be made to govern the driving behaviour of provisional licence (P type licence) holders. In particular, it is proposed that a two-stage provisional licensing system will be introduced – 'P1' and 'P2'. Young P1 drivers will be subject to more stringent conditions than P2 drivers and, from July 2008, will have to undertake a hazard perception test (explained later) to exit the P1 stage.<sup>42</sup> The changes apply only to those persons who obtain a provisional licence from 1 July 2007.

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<sup>39</sup> The 'P1' and 'P2' concept will be explained below. A 'P1' driver is a provisional driver in the first stage of solo driving (usually the first year).

<sup>40</sup> Queensland Transport, 'Learner licence changes'.

<sup>41</sup> Queensland Transport, 'Queensland youth: on the road and in control', p 16.

<sup>42</sup> Queensland Transport, 'Provisional licence changes'.

### 4.2.1 Overview of Two-Stage Provisional Phase

In an August 2006 *Media Statement* and during the Second Reading Speech on the legislation before Parliament, the Minister for Transport indicated that the measures discussed under the following headings will apply to P type licence holders who are young drivers.<sup>43</sup>

The two-stage provisional phase, with tougher restrictions for P1 drivers, and a requirement to display P plates was proposed in the Queensland Government's *Discussion Paper* and advocated by the Travelsafe Committee Report No 41.

The *Discussion Paper* tentatively raised the possibility of providing incentives for P type drivers who exhibit good driving behaviour. For instance, time spent on a P type licence could be reduced after successful completion of an approved driver development program. However, it also noted that Canadian research had shown that there was an increase in crashes for young drivers who were so rewarded, possibly because they had left the very regime that helped them to gain experience.<sup>44</sup>

### 4.2.2 Minimum Provisional Licence Period

Before a person can obtain a P type licence, he or she must be at least 17 years old and pass a Q-SAFE practical driving test. From July 2007, an applicant for a P type licence will need to have held a learner licence for at least 12 months (rather than the current 6 months) and completed at least 100 hours on-road driving experience.

In general, to obtain an open licence, a person must have held a P type licence for the 'required period': s 11.<sup>45</sup> The 'required period' depends on the age of the person when he or she was issued with the P type licence. Under the new system it is proposed that –

- if the person is under 23 years of age, he or she must have held the P type licence for at least 3 years to be eligible for an open licence;
- if aged 23, the person must have held the P type licence for at least 2 years (1 year on each provisional stage);

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<sup>43</sup> Hon PT Lucas MP, Second Reading Speech, p 729; Hon Paul Lucas MP, 'Blueprint to Save Young Lives', *Media Statement*, 14 August 2006.

<sup>44</sup> Queensland Transport, 'Queensland youth: on the road and in control', p 17.

<sup>45</sup> See also s 11(2)(a), (c)-(e) for other ways a person may be eligible to obtain an open licence.

- if aged 24, the person must have held the first stage P type (P1) licence for at least 1 year;
- if aged 25 or over, they must have had a second stage P type (P2) licence for 1 year.

A person under 25 years will begin the first stage of provisional driving on a P1 type licence for a minimum of 12 months before moving to a P2 type licence for the rest of the provisional period. A person aged 25 and over will move straight to the second stage of provisional driving (P2) for a minimum of 12 months.

Prior to the changes (and to continue thereafter), young P type drivers must also –

- carry their licence when driving;
- have a BAC of 0.00; and
- not accumulate 4 or more demerit points in a 12 month period. Doing so results in the driver having to choose either a 3 month licence suspension or to agree to drive under a good behaviour condition for 12 months.<sup>46</sup>

#### **4.2.3 Display of P Plates**

A significant change for provisional drivers in Queensland is the reintroduction of P plates from July 2007. This move was supported by the Travelsafe Committee Report No 41 which said that displaying P plates would encourage compliance with other licence restrictions and achieve national uniformity.<sup>47</sup> Queensland is currently the only Australian jurisdiction without a requirement for P plates.

It has been argued that the first years of driving pose the greatest crash risk for young drivers and the reintroduction of P plates will act as a reminder to them that they are less experienced and will help other road users to exercise caution around them.<sup>48</sup>

Under the proposed rules, a P type driver under 25 must display a red plate for P1 (for the first 12 months) and a green plate for P2 (for the remainder of the provisional period).<sup>49</sup> P type drivers aged 25 and over must display a P2 plate for a

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<sup>46</sup> As explained later, various consequences follow when returning to driving.

<sup>47</sup> Travelsafe Committee Report No 41, p 57

<sup>48</sup> Queensland Transport, 'Provisional licence changes'.

<sup>49</sup> Queensland Transport, 'Provisional licence changes'.

minimum of 12 months. The plates must be conspicuous to anyone else from 20 metres away.<sup>50</sup> A penalty will be imposed for failing to display P plates.

To deal with the possibility that P type drivers displaying the plates might be targets of abuse and harassment (a concern raised in submissions and forums during the Travelsafe Committee inquiry), it was suggested that a campaign be developed to encourage courtesy towards P type drivers.<sup>51</sup>

#### 4.2.4 Effect of Disqualification

For some time, it has been the rule that P type drivers must not accumulate 4 or more points within a 12 month period or they can face a 3 month licence suspension or must agree to a driving under good behaviour condition.

From July 2007, young P1 and P2 drivers and open licence holders who have been disqualified from driving will have to recommence at the P1 stage.<sup>52</sup> As noted below, night curfews will also apply to recommencing P1 drivers. As indicated later, a number of other jurisdictions have, or are introducing, various licence 'regression' consequences (for example, in South Australia, P1 recommences at the learner stage) for learner and P type drivers returning from disqualification.

#### 4.2.5 Peer Passenger Restrictions

The new regulations will impose a limit on the number of passengers that P1 drivers under 25 may carry. The passenger limit will be just one non-immediate family member passenger aged under 21 (i.e. a peer passenger) between the hours of 11pm and 5am. A breach of this restriction will attract a penalty.<sup>53</sup>

Exemptions apply to the carrying of close family members but other exemptions, including work-related exceptions, will not be granted. A **proposed new s 150B** of the TORUM Act (to be inserted by cl 20 of the Police and Other Legislation

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<sup>50</sup> Queensland Transport, 'Provisional licence changes'. A template will be available for downloading from the Queensland Transport website.

<sup>51</sup> Queensland Transport, 'Queensland youth: on the road and in control', p 14.

<sup>52</sup> Hon PT Lucas MP, Second Reading Speech, pp 729-730.

<sup>53</sup> Queensland Transport, 'Provisional licence changes'. Clause 9 of the Police and Other Legislation Amendment Bill 2007 (Qld), introduced on 18 April 2007, proposes to amend s 42 of the *Police Powers and Responsibilities Act 2000 (Qld)* to allow a police officer to require a passenger of a young driver to state, and provide evidence of, their age.

Amendment Bill 2007 (Qld)) will allow a Regulation that prescribes peer passenger requirements to stipulate that in proceedings for an offence committed by a driver, a belief of a police officer, on reasonable grounds, that the family relationship does not exist is sufficient evidence of that fact. The driver bears the onus of proving the existence of the relationship. The Regulation can also provide that the police officer's belief may be formed after reasonable enquiries are made of the driver and passengers.

The rationale for a passenger restriction is that young drivers are at greater risk of distraction than more experienced drivers. New Zealand research indicates that the crash risk is greater when young drivers have more than one peer passenger in the car.<sup>54</sup> The Queensland Government *Discussion Paper* also noted that research in the USA suggests that peer passenger restrictions are effective in reducing crashes and that, even if compliance was only 20%, crashes would still decrease by around 7%.<sup>55</sup>

However, the Travelsafe Committee Report No 41 did not support passenger restrictions, believing that they would create great difficulties for young people and their families and those charged with enforcing them. It also considered that it would reduce the number of people engaging in car pooling and in designated driver programs which help to reduce drink driving.<sup>56</sup> However, the Committee recommended that Queensland Transport continue to monitor the effectiveness of passenger restrictions in other jurisdictions and to inform and educate parents and young drivers of the dangers of driving with peer passengers.

An alternative proposal by the Committee was the adoption of a passenger restriction where young drivers returning to driving after losing their licence are limited to one peer passenger for 12 months or for the remainder of the provisional period (whichever is the longest). These drivers were regarded as having a greater

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<sup>54</sup> Queensland Transport, 'Provisional licence changes'. See also DJ Begg, S Stephenson, J Alsop & J Langley, 'Impact of graduated driver licensing restrictions on crashes involving young drivers in New Zealand', *Injury Prevention*, vol 7, 2001, p 293, cited in Travelsafe Committee Report No 41, p 35.

<sup>55</sup> Queensland Transport, 'Queensland youth: on the road and in control', p 12. The research referred to appears to be that of L-H Chen, ER Braver, SP Baker, & G Li, 'Potential benefits of restrictions on the transport of teenage passengers by 16 and 17 year old drivers', *Injury Prevention*, vol 7, 2001, pp 129-134, cited in T Senserrick & M Whelan, 'Graduated Driver Licensing: Effectiveness of Systems & Individual Components', *Report No 209*, Monash University, Accident Research Centre, October 2003, p 47.

<sup>56</sup> These difficulties were also noted by the *Discussion Paper*, p 12.

level of crash risk.<sup>57</sup> A ban of this type applies in New South Wales and will take effect in Victoria from July 2008.

The Queensland Government's *Discussion Paper* raised the possibility of a peer passenger restriction for young P1 drivers of no more than one passenger under 21 years at all times of the day or night.<sup>58</sup> In Western Australia, there will soon be a ban on carrying passengers under 25 years old for the first 12 months of driving. However, the new Queensland law will apply only to late night driving. New South Wales is imposing a similar peer restriction from July 2007.

The Victorian Government has chosen not to impose a peer passenger restriction on young P1 drivers other than those returning from disqualification. This restriction was seen as placing a burden on young people and would mean that P1 drivers would not be able to be a 'designated driver' for friends after a night out. It was considered that education programs were a better way of encouraging P1 drivers to limit their passengers.<sup>59</sup>

#### **4.2.6 High Powered Vehicle Restrictions**

The new laws will place a restriction on P1 and P2 holders under 25 years being able to drive high powered vehicles and impose a penalty for a contravention. Examples of restricted vehicles are those with 8 or more cylinders (V8s), turbocharged vehicles, and vehicles with an engine performance modification that is not standard to the original manufacturer's specifications. More types of vehicles may be added as time goes on but heavy vehicles will not be included.<sup>60</sup> It is envisaged that an exemption may be given on 'severe hardship' grounds such as where the person needs to drive the high powered vehicle for work and even then, strict guidelines will apply.<sup>61</sup>

The Minister for Police and Corrective Services, the Hon Judy Spence MP, has noted that "*time and time again, it is young drivers with limited experience who are*

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<sup>57</sup> Travelsafe Committee Report No 41, pp 39-40.

<sup>58</sup> Queensland Transport, 'Queensland youth: on the road and in control', p 12.

<sup>59</sup> Victorian Government, *Discussion Paper*, Victorian Government, 'Young Driver Safety and Graduated Licensing,' August 2005, [http://arrivealive.vic.gov.au/downloads/Youngdriver\\_discussion/YDS\\_v10\\_web.pdf](http://arrivealive.vic.gov.au/downloads/Youngdriver_discussion/YDS_v10_web.pdf).

<sup>60</sup> Queensland Transport, 'Provisional licence changes'. The Queensland Transport website will have updates on criteria used to determine restricted vehicles.

<sup>61</sup> Queensland Transport, 'Provisional licence changes'.

involved in accidents behind the wheels of high powered cars such as V8s.”<sup>62</sup> Research seems to suggest that drivers take more risks, like speeding, when driving a high powered or performance vehicle.<sup>63</sup>

When putting forward a proposal for a high powered vehicle restriction, the Queensland Government’s *Discussion Paper* pointed out that the most common factors in P type driver crashes were inexperience, alcohol and speed and that crashes occur in all types of vehicles, not just high powered ones.<sup>64</sup>

As will be discussed later in this Brief, Victoria has recently revised its existing power-to-weight limits for new drivers to be similar to the proposed Queensland high powered vehicle restrictions and these will take effect in July 2008.<sup>65</sup>

#### 4.2.7 Restrictions on Late Night Driving

From July 2007, young drivers returning from a licence suspension/disqualification or from driving under a good driving behaviour licence cannot drive for 12 months between the hours of 11pm and 5am.<sup>66</sup> These restrictions are similar to those operating in South Australia.<sup>67</sup>

Queensland Transport has stated that research indicates that the fatal crash risk of young drivers is around three times greater at night and that young drivers were almost twice more likely to be involved in a fatal crash between 11pm and 5am than during any other times.<sup>68</sup> Late night driving restrictions have been shown to reduce young driver crashes in the USA by varying rates, although, in many States,

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<sup>62</sup> Hon Paul Lucas MP, ‘Blueprint to Save Young Lives’.

<sup>63</sup> See, for example, DD Clarke, P Ward, & W Truman, ‘In-depth accident causation study of young drivers’, TRL Report TRL542. Transport Research Laboratory, Crowthorne, UK, 2002, cited in T Senserrick & M Whelan, p 48.

<sup>64</sup> Queensland Transport, ‘Queensland youth: on the road and in control’, p 18.

<sup>65</sup> Victorian Government, Arrive Alive Website, ‘A Summary of the Key Changes Affecting Learner and Probationary Drivers’, [http://www.arrivealive.vic.gov.au/c\\_youngGLS\\_6.html](http://www.arrivealive.vic.gov.au/c_youngGLS_6.html).

<sup>66</sup> Queensland Transport, ‘Provisional licence changes’.

<sup>67</sup> Queensland Transport, ‘Queensland youth: on the road and in control’, p 13.

<sup>68</sup> Queensland Transport, ‘Provisional licence changes’.

such curfews are in combination with other young driver restrictions.<sup>69</sup> While the most commonly found late night restriction in US states is a midnight or 1am to 5am curfew, research has indicated attention needs to be given to the hours of 9pm to midnight.<sup>70</sup>

The *Discussion Paper* noted that late night restrictions could cause young people to rely on public transport to travel home late at night when services are typically lower and safety concerns are higher. There was also a danger that some young drivers might speed or drink drive to beat the curfew. Despite these issues, it proposed that all P1 drivers be restricted from late night driving (as will be the case in Western Australia for P1 drivers during their first 12 months of driving from July 2008), not just those returning from a licence suspension/disqualification. However, the *Discussion Paper* commented that an effective exemption system would be needed to allow for family, work or study purposes.<sup>71</sup>

The Victorian Government decided against imposing late night driving restrictions on young Victorian drivers because of the unacceptable impact on young people's social mobility, especially in rural areas where alternative travel opportunities are fewer. It was believed that education was the best means of addressing the issue.<sup>72</sup>

#### **4.2.8 Mobile Phone Bans and Restrictions**

The rationale for these bans on all mobile phone use by drivers and restrictions on use by passengers was explained under the earlier heading pertaining to learner drivers.

#### **4.2.9 Hazard Perception Testing**

From July 2008, young P1 drivers must pass a hazard perception test (HPT) to advance to the P2 stage.

HPTs are computer-based tests using a video of real life driving scenes to measure a person's ability to recognise and react to potentially dangerous road situations.

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<sup>69</sup> J Hedlund & R Compton, 'Graduated Driver Licensing Research in 2004 and 2005', *Journal of Safety Research* 36, 2005, pp 4-14.

<sup>70</sup> AF Williams, 'Teenage drivers: patterns of risk', *Journal of Safety Research*, 34, 2003, pp 5-15, esp. p 11.

<sup>71</sup> Queensland Transport, 'Queensland youth: on the road and in control', p 13.

<sup>72</sup> Victorian Government, 'Young Driver Safety and Graduated Licensing'.

The ‘driver’ must respond by touching or not touching the screen to specify if it is safe or unsafe to drive or undertake a certain action to avoid a crash. HPTs are different from the usual practical tests which concentrate on road rules and vehicle control.<sup>73</sup> These types of tests are undertaken by new drivers at various stages of their graduated licensing in New Zealand, Britain and in some Australian jurisdictions such as NSW, Victoria and Western Australia.

Submissions on this issue to the Travelsafe Committee inquiry, resulting in Report No 41, were mixed. Some opposing submissions argued that HPTs put more pressure on young people and that hazard perception skills were better incorporated into driver training. Advocates of HPTs argued that the tests could encourage drivers to continue to develop skills and knowledge and that it emphasised cognitive aspects of driving. In addition, HPTs reinforce the idea that perception, judgement and behaviour skills are developed only with experience.<sup>74</sup> The Committee recommended that Queensland Transport implement a computerised HPT at the end of the P2 stage for young drivers.<sup>75</sup> The Queensland Government’s *Discussion Paper* canvassed the introduction of screen-based HPT to exit the P1 phase but noted the resource implications of developing the test and that the crash reduction value of HPTs had yet to be properly established.<sup>76</sup>

## 5 YOUNG DRIVER RESTRICTIONS IN OTHER JURISDICTIONS

The Appendix to this Research Brief presents a Table providing a brief overview of the restrictions on learner and provisional drivers in other Australian states and territories. Prior to considering the Table, this section sets out a very short discussion of recent changes or proposals underway in some jurisdictions, particularly in New South Wales, Victoria, and Western Australia.

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<sup>73</sup> Queensland Transport, ‘Provisional licence changes’; RACQ, ‘Submission to Queensland Transport’s *Discussion Paper*, p 32.

<sup>74</sup> Travelsafe Committee Report No 41, pp 63-64, citing various public submissions and Royal Automobile Club of Queensland Submission 36R, p 13.

<sup>75</sup> Travelsafe Committee Report No 41, p 66.

<sup>76</sup> Queensland Transport, ‘Queensland youth: on the road and in control’, p 15.

## 5.1 NEW SOUTH WALES

The graduated licensing regime in NSW, which has been in place since 2000, is governed by the [Road Transport \(Driver Licensing\) Act 1998 \(NSW\)](#) and the [Road Transport \(Driver Licensing\) Regulation 1999 \(NSW\)](#).

All new drivers are within the graduated licensing system for a minimum of 4 years. It comprises a learner licence period for 12 months; a P1 licence for 12 months; and a P2 licence for 2 years.

Following a spate of horrific crashes involving young drivers on P type licences in late 2006, the NSW Government established a young drivers' advisory panel to consider new restrictions on new drivers. Of particular sadness was the death, on 24 November, of three Year 12 students whose car collided with another vehicle while travelling from their school formal, followed just hours later by the death of another P type driver in a single vehicle collision. It was reported that there were 48 P type driver deaths in the year up to 30 November 2006, almost twice as many as for the same period in 2005.<sup>77</sup> In a media interview, the Transport Minister indicated that the Government would consult with the public regarding P plate restrictions.<sup>78</sup> The panel met for the first time in late November 2006.

On 10 January 2007, the Minister for Roads, the Hon Eric Roozendaal MP, announced the proposed P type driver reforms to be introduced from July 2007. Changes announced earlier for learner drivers also take effect from July 2007.<sup>79</sup>

Some doubts have been cast within the ranks of NSW Police on whether there will be sufficient police officers available to enforce the new laws given that there do not appear to be any plans by the Government to increase frontline policing levels.<sup>80</sup>

The Table in the Appendix summarises the existing and imminent restrictions on learner and P type drivers.

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<sup>77</sup> Andrew Clennell & Anne Davies, 'P plate toll fuels panel's first talks', *Sydney Morning Herald Online*, 30 November 2006.

<sup>78</sup> 'P plate restrictions to be considered', *Sydney Morning Herald Online*, 25 November 2006.

<sup>79</sup> See NSW Road Transport Authority, 'New driving test and provisional driver restrictions', *News and Special Events*, 10 January 2007, [http://www.rta.nsw.gov.au/newsevents/2007\\_01\\_pplate.html](http://www.rta.nsw.gov.au/newsevents/2007_01_pplate.html).

<sup>80</sup> Edmund Tadros, 'Doubt cast on ability to enforce P plate laws', *Sydney Morning Herald Online*, 15 January 2007.

## 5.2 VICTORIA

In October 2006, the [Road Safety Act 1986 \(Vic\)](#) was amended to implement, via a new Part 2 of the [Road Safety \(Drivers\) Regulations 1999 \(Vic\)](#), an enhanced graduated licensing system for young drivers – aimed particularly at improving road safety of novice drivers under 21 years of age. The changes followed the release of a [Discussion Paper](#) in August 2005 and favourable response from the community and stakeholders.<sup>81</sup> Existing requirements for learner and P type drivers and those that commence for learner and P type drivers under the age of 21 on 1 July 2007 are set out in the Table. If the learner licence was issued prior to 1 July 2007, the above will not apply. Drivers under 21 who apply for a P type licence after 1 July 2008 will have stricter conditions imposed on the licence.

## 5.3 WESTERN AUSTRALIA

In 2006, Western Australia recorded its worst road toll in 6 years with 212 fatalities. The 17 to 24 age group made up 30% of the fatalities.<sup>82</sup> Following the release of a [Discussion Paper](#) in June 2005 and feedback indicating support for changes to the rules for new young drivers, the Government is also introducing stricter requirements for new drivers. The new laws have been included in the [Road Traffic \(Drivers Licence\) Regulations 1975 \(WA\)](#) and will come into effect in July 2007. These, as well as existing requirements for learner and P type drivers, are summarised in the Table.

## 5.4 AUSTRALIAN CAPITAL TERRITORY

The ACT Government developed a ‘Road Ready’ program to prepare young drivers for solo driving rather than adopting the graduated licensing system operating in most states and territories. The requirements for new drivers are set out in the Table.

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<sup>81</sup> Victorian Government, ‘Young Driver Safety and Graduated Licensing’, [http://arrivealive.vic.gov.au/downloads/Youngdriver\\_discussion/YDS\\_v10\\_web.pdf](http://arrivealive.vic.gov.au/downloads/Youngdriver_discussion/YDS_v10_web.pdf); Hon R G Cameron MP, Minister for agriculture, Second Reading Speech, Road Legislation (Projects and Road Safety) Bill 2006 (Vic), *VicHansard*, 24 August 2006, pp 3095-3100, p 3096.

<sup>82</sup> Hon John Bowler MLA, Minister for Local Government, Employment Protection, Racing and Gaming, Goldfields, Esperance and Great Southern, ‘WA’s road toll highest in six years’, *Media Statement*, 1 January 2007.

## 5.5 SOUTH AUSTRALIA

During 2005, the South Australian Government enhanced various features of its graduated licensing system as part of the Government's road safety reforms to reduce road fatalities. These changes, commencing on 31 October 2005, included a split of provisional licences into P1 and P2. From October 2006, learner and P type drivers regress to an earlier stage of their licensing following a licence suspension. The conditions and restrictions are set out in the Table.

## 5.6 TASMANIA AND THE NORTHERN TERRITORY

There have yet to be major initiatives regarding young novice drivers in Tasmania and the Northern Territory. The Northern Territory Government has recently announced that it will adopt recommendations of the June 2006 'Safe Road Use: A Territory Imperative' *NT Road Safety Taskforce Report*.

## 5.7 SOME OVERSEAS EXAMPLES

New Zealand drivers can obtain a learner licence at 15 years of age but this country has had a graduated licensing scheme since 1987 – which was then considered quite radical. While the time to progress to an open licence may be around 2 years, shorter than most places in Australia, young drivers on the New Zealand equivalent to P plates cannot drive between 10pm and 5am and cannot carry peer passengers at any time unless accompanied by a supervisor (who must be at least 20 and has held an open licence for 2 years). It has also been reported that a New Zealand study by University of Otago University researchers reveals that the curfew, the passenger restriction and a BAC of 0.00 have seen young driver fatalities drop from around 280 in 1987 (when the system was introduced) to 125 by 2001.<sup>83</sup>

An evaluation of Californian's graduated licensing program by the California Department of Motor Vehicles has found that longer instruction periods and required practice hours introduced in 1998 had not significantly reduced crashes for 15 to 17 year olds but the introduction of passenger restrictions and night curfews (16 year olds cannot drive between 11pm and 5am) was associated with annual savings of 55 and 816 crashes respectively.<sup>84</sup>

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<sup>83</sup> Tim Dick, 'Brakes on young drivers a success', *Sydney Morning Herald Online*, 2 December 2006; D Begg & S Stephenson, 'Graduated driver licensing: the New Zealand experience', *Journal of Safety Research*, 34(1), 2003, pp 99-105 (abstract available only).

<sup>84</sup> SV Masten & RA Hagge, California Department of Motor Vehicles, Research and Development Branch, 'Evaluation of California's graduated driver licensing program', *Journal of Safety Research*, 35(5), 2004, pp 523-535 (abstract available only).

**APPENDIX A: SUMMARY OF DRIVER RESTRICTIONS**

### Summary of Learner Driver Restrictions – Australia

Note – restrictions apply to drivers of all ages unless indicated

	Qld	NSW <sup>85</sup>	Vic	WA <sup>86</sup>	ACT <sup>87</sup>	SA <sup>88</sup>	Tas <sup>89</sup>	NT <sup>90</sup>
<b>Restriction Component</b>	<p><a href="#">Transport Operations (Road Use Management) Act 1995 (Qld)</a></p> <p>Existing and to be phased in from July 2007 under new Regulation.</p> <p>Will particularly affect young drivers aged under 25</p>	<p><a href="#">Road Transport (Driver Licensing) Act 1998 (NSW)</a>, <a href="#">Road Transport (Driver Licensing) Regulation 1999 (NSW)</a>.</p> <p>Existing and as applying from July 2007</p>	<p>See <a href="#">Arrive Alive</a> website;<sup>91</sup> <a href="#">Road Safety Act 1986 (Vic)</a>, new Pt 2 of <a href="#">Road Safety (Drivers) Regulations 1999</a>.</p> <p>Existing and as applying to drivers aged under 21 from July 2007.</p>	<p><a href="#">Road Traffic (Drivers Licence) Regulations 1975 (WA)</a></p> <p>Existing and as applying from July 2007.</p>	<p><a href="#">Road Transport (Driver Licensing) Regulation 2000</a></p> <p>‘Road Ready’ program</p>	<p><a href="#">Motor Traffic Regulations 1996</a></p> <p>Enhancements to graduated licensing system (GLS) from 31 Oct 2005</p>	<p><a href="#">Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2000</a></p>	<p><a href="#">Traffic Act</a></p>

<sup>85</sup> See NSW Road Transport Authority, ‘New driving test and provisional driver restrictions’, *News and Special Events*, 10 January 2007, [http://www.rta.nsw.gov.au/newsevents/2007\\_01\\_pplate.html](http://www.rta.nsw.gov.au/newsevents/2007_01_pplate.html); ‘Getting your driver’s licence: a guide for new drivers’, [http://www.rta.nsw.gov.au/licensing/downloads/new\\_drivers.pdf](http://www.rta.nsw.gov.au/licensing/downloads/new_drivers.pdf).

<sup>86</sup> See WA Department for Planning and Infrastructure, *Drive Safe Book*, [http://www.dpi.wa.gov.au/mediaFiles/lic\\_drivesafebook\\_part2.pdf](http://www.dpi.wa.gov.au/mediaFiles/lic_drivesafebook_part2.pdf); <http://www.officeofroadsafety.wa.gov.au/pdf/Topics/novicedriverreview/index.html> and the RAC’s ‘keys2drive’ website at <http://keys2drive.com.au/>.

<sup>87</sup> See the ACT Road Transport Information Management website at <http://www.rego.act.gov.au>.

<sup>88</sup> See SA Government’s Department of Transport, Energy & Infrastructure website [http://www.transport.sa.gov.au/licences\\_certification/drivers/](http://www.transport.sa.gov.au/licences_certification/drivers/).

<sup>89</sup> See Tasmanian Department of Energy Infrastructure and Resources [http://www.transport.tas.gov.au/licence\\_information/index.html](http://www.transport.tas.gov.au/licence_information/index.html).

<sup>90</sup> See Northern Territory Department of Planning and Infrastructure, <http://www.ipe.nt.gov.au/whatwedo/mvr/licensing/index.html>.

<sup>91</sup> At [http://arrivealive.vic.gov.au/c\\_youngGLS\\_1.html](http://arrivealive.vic.gov.au/c_youngGLS_1.html).

	Qld	NSW	Vic	WA	ACT	SA	Tas	NT
<b>Minimum Age</b>	16 (From July 2007)	16	16	16 for L1; 16 and 6 months for L2 (see below)	15 years and 9 months	16	16	16
<b>Road Rule Test</b>	Knowledge test	Knowledge test	Knowledge test	Computerised theory test	Road Ready Licence Course including knowledge test. Course takes 15 hours over several sessions	Theory test on road rules and safety	Knowledge test	Theory test
<b>Minimum Learner Period</b>	12 months (From July 2007)	12 months (up from 6 months) (From July 2007)	12 months (up from 6 months) for drivers under 21. 6 months for under 25s (From July 2007)	Period has 2 phases: L1, L2. From July 2007, minimum 6 months on L2 (at present, can graduate to P after 25 hours of supervised driving and passing practical driving assessment). L1 teaches control of vehicle. L2 further experience under supervision	6 months	6 months	6 months	No but cannot advance to P licence until 16 years and 6 months unless Driver Trainer and Licensing Logbook program undertaken (run at selected schools and training organisations)

	Qld	NSW	Vic	WA	ACT	SA	Tas	NT
<b>Compulsory Minimum On-Road Hours</b>	100 hours recorded in logbook.  Voluntary if 25 years and over  (From July 2007)	120 hours, including 20 hours at night, verified by logbook (up from 50 hours)  (From July 2007)	120 hours, including 10 hours at night, recorded in official diary (no minimum in previous system)  (From July 2007)	During L2, minimum 25 hours recorded in logbook.  Minimum 120 hours encouraged	No but at least 50 hours encouraged	50 hours, including 10 at night, recorded in logbook	50 hours recorded in logbook	No
<b>Display of L Plates</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>BAC Limit</b>	Zero if under 25 years otherwise 0.05	Zero	Zero	Zero	Zero	Zero drug <sup>92</sup> and/or alcohol concentration	Zero	Zero
<b>Maximum Speed or Freeway Restrictions</b>	No	80 km/h	No	L1: 100 km/h; no freeway driving;  L2: 100 km/h but can drive on freeway	No	80 km/h unless in a driving school vehicle	80 km/h	80 km/h

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<sup>92</sup> A drug includes cannabis (THC), speed or Ecstasy.

	Qld	NSW	Vic	WA	ACT	SA	Tas	NT
<b>Mobile Phone Restriction When Driving</b>	For under 25s – no use even of hands-free, Bluetooth, loudspeaker. No loudspeaker use for supervisors or passengers  (From July 2007)	No use of hand-held	Ban on all use including hands-free  (From July 2007)	As for other drivers – no use of hand-held	As for other drivers – no use of hand-held	As for other drivers – no use of hand-held	As for other drivers – no use of hand-held	As for other drivers – no use of hand-held
<b>Effect of Demerit Points</b>	4 or more points within 12 months results in 3 month licence suspension or Good Driving Behaviour for 12 months	Driving offence may result in licence cancellation	5 or more points in 12 month period can result in licence suspension	12 points within 3 years can result in licence suspension for 3 months	12 or more points within 3 years results in licence suspension for 3 months	4 or more points in learner period can result in 6 months disqualification and licence cancellation. On returning from disqualification, additional 3 months added to licence period and theory test must be retaken	4 or more points within any 12 months; 12 or more points within any three year period.  Results in licence suspension for at least 3 months	Currently, no demerit system - proposed for introduction during 2007

	Qld	NSW	Vic	WA	ACT	SA	Tas	NT
<b>Exit Test to P type licence</b>	Practical driving test	Tough HPT focussing on hazard perception, safety and technical skills being developed (currently driving ability road test)	Practical driving test HPT (more rigorous than previously) (From July 2007)	L1 to L2 by passing practical driving assessment  Exit L2 by HPT	Choice of practical driving test with a government examiner or training and continuing assessment with accredited driving instructor	Two options: Practical Test with authorised instructor or Competency Based Training Course (logbook training) with accredited instructor	Practical driving test	Practical driving test
<b>Other</b>	Various support programs and initiatives as discussed in this Brief	Young driver education program in schools to be expanded during 2007; more resources to teach years 10-12 about road safety and related issues.  TV campaigns	A number of support programs will operate including expansion to 'Keys Please' parent and learner sessions.  TV campaigns.	Road Aware Program in schools and other initiatives	Road Ready course can be undertaken at most secondary schools for free as part of Year 10 curriculum	Various initiatives including Driver Intervention Program (workshop for young drivers whose L or P licence disqualified)	Road Safety Education Strategy – includes: resources to teach road safety to years 9-12; 'Keys to Ps' 90 min session aimed at learners	Graduated Licensing System with certain restrictions for learners and P drivers may be introduced later in 2007 ('Safe Road Use: A Territory Imperative', <i>NT Road Safety Taskforce Report</i> , June 2006 recommendations )

### Summary of Provisional Driver Restrictions – Australia

Note – restrictions apply to drivers of all ages unless indicated

	Qld	NSW	Vic	WA	ACT	SA	Tas	NT
<b>Restriction Component</b>	Existing and as applying from July 2007	Existing and as applying from July 2007	Existing and as applying from July 2008	Existing and as applying from July 2007				
<b>Minimum Age</b>	17	17	18 (decision not to lower to 17 as could result in long term net increase of 13 or more fatalities each year: <i>Discussion Paper</i> )	17	17	16 and 6 months	17	16 and 6 months; or 16 if Driver Training and Licensing (DTAL) Logbook Program undertaken
<b>Minimum P Type Licence Period</b>	Dependent upon age: if under 23 then 3 years (P1=1, P2=2) if 23 then 2 years (P1=1, P2=1) if 24 then 1 year on P1 if 25 and over then 1 year on P2	P1 for minimum 12 months; P2 for minimum 2 years	If under 21 - P1 for 12 months; P2 for 3 years (replacing single 3 year P type licence). If 21 or over will go straight to P2  (From July 2008)	2 years	3 years	P1 for at least 12 months; P2 for at least 6 months (but must be combined total of at least 2 years or until aged 19, whichever longer)	3 years if under 22 years of age 12 months if 24 or over	12 months but must be 16 and 6 months for full licence (17 if DTAL undertaken)

	<b>Qld</b>	<b>NSW</b>	<b>Vic</b>	<b>WA</b>	<b>ACT</b>	<b>SA</b>	<b>Tas</b>	<b>NT</b>
<b>Display of P Plates</b>	Yes - P1, P2 irrespective of age  (From July 2007)	Yes	Yes – P1, P2	Yes	Yes but can be removed after 6 months on successful completion of a Road Ready Plus course ('P-Off' course) focusing on road risks.  If aged 26 or over, can remove plates after 6 months	P1 yes; P2 no	Yes during first year	Yes
<b>Mobile Phone Use When Driving</b>	For P1 drivers under 25 – no use even of hands-free, Bluetooth, loudspeaker. No loudspeaker use for passengers  (From July 2007)	No mobile phone use including hands-free for P1 drivers from July 2007	No mobile phone use including hands-free for P1 drivers under 21  (From July 2008)	As for other drivers – no use of hand-held	As for other drivers – no use of hand-held	As for other drivers – no use of hand-held	As for other drivers – no use of hand-held	As for other drivers – no use of hand-held

	<b>Qld</b>	<b>NSW</b>	<b>Vic</b>	<b>WA</b>	<b>ACT</b>	<b>SA</b>	<b>Tas</b>	<b>NT</b>
<b>BAC Limit</b>	Zero unless 25 and over then 0.05	Zero	Zero P-platers, and any driver under 26 caught drink driving will have an alcohol interlock fitted to their vehicle when they return to driving for 6 months.	Zero	Zero	Zero drug and/or alcohol concentration	Zero	Zero
<b>Maximum Speed or Freeway Restrictions</b>	No	90 km/h for P1; 100 km/h for P2	No	110 km/h	No	100 km/h	80 km/h during first year	No
<b>Vehicle Power Restriction</b>	Yes - as described in Brief: for P1 and P2 drivers under 25. Cannot drive certain high-powered vehicles (e.g. V8s) (From July 2007)	High powered vehicle restrictions apply to all P1 and P2 drivers (similar to Qld and Vic).	Existing power/weight restriction revised and high-powered vehicle restrictions (similar to Qld restrictions) will apply from July 2008. Penalties will be imposed. Applies to all P1 and P2 drivers (even if over 21).	No	No	No	No	No

	Qld	NSW	Vic	WA	ACT	SA	Tas	NT
<b>Night Driving Restrictions</b>	As penalty for licence suspension or GDB etc. for under 25s. Curfew on driving between 11pm and 5am for 12 months (From July 2007)	No	No ( <i>Discussion Paper</i> considered too much impact on social mobility of young people especially in rural areas where fewer alternative travel options)	12 am to 5 am curfew during first 6 months (exemptions apply) (From July 2007)	No	No unless returning from a serious disqualification offence when curfew applies between 12am and 5am for 12 months	No	No
<b>Passenger Restrictions</b>	P1 drivers under 25 limited 1 passenger under 21 years between 11pm and 5am (family exemption only) (From July 2007)	P1 drivers under 25 restricted to 1 passenger under 21 years between 11pm and 5am (work and family exemptions apply). P1 and P2 drivers returning from disqualification cannot carry more than one passenger for 12 months. (From July 2007)	P1 drivers returning from licence suspension restricted to 1 passenger for remainder of P1 period (From July 2008)	Ban on carrying any passenger under age of 25 for first 6 months (family-based exceptions apply) (From July 2007)	No	No	No	No

	<b>Qld</b>	<b>NSW</b>	<b>Vic</b>	<b>WA</b>	<b>ACT</b>	<b>SA</b>	<b>Tas</b>	<b>NT</b>
<b>Demerit Points</b>	P1 and P2 drivers of all ages cannot accumulate 4 or more points within 12 months – results in 3 month licence suspension or GDB for 12 months	3 or more during P1; 6 or more during P2 can result in licence suspension	5 or more in 12 month period may result in licence suspension	Accrual of either 4 points in first year or 8 points over two years results in licence cancellation (From July 2007)  Various driving offences can lead to auto licence cancellation	4 or more points over 3 year period results in licence suspension for 3 months.  If pass 'P-Off' course, demerit point limit is 8 points	4 or more points during provisional period can result in 6 months disqualification.	4 or more points within 12 months or 12 or more within 3 years can result in licence suspension for at least 3 months	No demerit point scheme – to be introduced during 2007
<b>Effect of Suspensions etc. on Licence Period</b>	P1 and P2 drivers under 25 who have been disqualified must recommence at P1  Night driving curfews  (From July 2007)	From July 2007, P1 drivers caught speeding will lose licence for at least 3 months	P1 or P2 period extended by 6 months plus suspension period (even if over 21). P1 drivers subject to passenger restriction  (From July 2008)	Recommence at first phase	No	On return from disqualification, P1 must re-apply for a learner licence. P2 must regress to P1 and re-pass HPT to advance to P2. Night curfew if serious (see above).  If 1-3 demerits held by P1, can still advance to P2 (passing HPT) if complete a driver awareness course	If licence suspended within first 12 months of P period, P period recommences at end of suspension. If suspension is after first 12 months, P period is extended by period of suspension	No

	<b>Qld</b>	<b>NSW</b>	<b>Vic</b>	<b>WA</b>	<b>ACT</b>	<b>SA</b>	<b>Tas</b>	<b>NT</b>
<b>HPT</b>	From July 2008, HPT for under 25 to advance from P1 to P2	HPT to progress from P1 to P2.  Must pass Driver Qualification Test to obtain Open licence (combination of advanced HPT, knowledge of road rules and driving practices)	To go from L to P1 must pass rigorous HPT. To pass P1 to P2 and P2 to Open must have a good driving record (see above)	No. Full licence when period complete if minimum age attained.  HPT to go from L to P	No. Full licence when period complete if minimum age attained	No. Full licence when period complete if minimum age attained.  HPT to go from P1 to P2	No. Full licence when period complete if minimum age attained.  Practical test to go from L to P	No. Full licence when period complete if minimum age attained
<b>Other</b>	Education package; support packages etc for young drivers.	Ad campaign to reinforce police operations targeting P drivers	Good driving record to progress through each stage and bad record will extend P1 or P2 licence period by 6 months (previously, no such requirement);  P1 Solo Driving Guide	Currently, Safe Driver Reward Scheme allows P type drivers who are penalty free for P period to receive free licence for third year	Optional 'P Off' course – successful completion yields rewards (removal of plates; higher demerit limit)	Can progress from P1 to P2 (if pass HPT) after 12 months if 0 demerit points or, if have 1-3 demerits, undergo extra training		

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