

LEGISLATIVE ASSEMBLY OF QUEENSLAND

PARLIAMENTARY TRAVELSAFE COMMITTEE

UNLICENSED, UNREGISTERED AND ON THE ROAD

REPORT ON THE ROAD SAFETY IMPLICATIONS OF UNLICENSED DRIVING AND THE DRIVING OF UNREGISTERED VEHICLES IN QUEENSLAND

PARLIAMENTARY TRAVELSAFE COMMITTEE

49TH PARLIAMENT

1ST SESSION

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RESEARCH DIRECTOR: Mr Rob Hansen

RESEARCH OFFICER: Mr Rob McBride

EXECUTIVE ASSISTANT: Ms Jane Olsen

Preface

Traffic enforcement relies heavily on the driver licensing and vehicle registration systems. Through these systems, governments are able to administer sanctions that discourage drivers from behaving in a dangerous manner on the road. In fact, virtually all measures used by governments to achieve order and safety on the road depend on these sanctions. Without them, we would have chaos and anarchy on our roads. It is therefore important that all drivers and vehicles on the road are included in these licensing and registration systems.

Unfortunately, some motorists are choosing to opt out by driving without a valid driver's licence, or by driving vehicles on the road that aren't registered. These motorists include: drivers who have been disqualified from driving by the Courts because of repeat drink driving convictions; licensed drivers who drive vehicles that their licences don't permit them to drive; and drivers in un-roadworthy vehicles with no registration or compulsory third party injury insurance cover. These motorists are a risk to themselves and other road users, and a financial burden to the whole community.

This report makes recommendations to deal with these drivers to maintain the integrity of our traffic enforcement system. It discusses current statistics, research and countermeasures, and recommends further initiatives for the government to implement in the interests of road safety.

The committee would like to thank the people and organisations who assisted the committee with this inquiry. In particular I would like to acknowledge the work of Mr Barry Watson, Road Safety Lecturer at the Centre for Accident Research and Road Safety - Queensland at the Queensland University of Technology. Mr Watson's research into unlicensed driving assisted the committee enormously.

I commend this report to the House.

Mrs Nita Cunningham MLA
Chairman

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ABBREVIATIONS

| ABBREVIATIONS | DEFINITIONS |
|----------------------|---|
| CARRS-Q | Centre for Accident Research and Road Safety - Queensland |
| FINDER | Fine Infringement Notice and other Debts Enforcement Registry |
| FORS | Federal Office of Road Safety |
| MAIC | Motor Accident Insurance Commission |
| MINDER | Mobile Interactive Data Analysis |
| PIN | Penalty Infringement Notice |
| QPS | Queensland Police Service |
| QT | Queensland Transport |
| SETON | Self Enforceable Traffic Offence Notice |
| SPER | State Penalty Enforcement Register |
| TRAILS | Transport Registration and Integrated Licensing Systems |

SUMMARY OF RECOMMENDATIONS

PAGE NO.

***RECOMMENDATION 1*.....37**

That police and Queensland Transport inspectors check compliance with driver's licensing and vehicle registration requirements for all drivers and vehicles intercepted for traffic violations and Random Breath Testing.

***RECOMMENDATION 2*.....37**

That police and Queensland Transport inspectors supplement routine driver licensing and vehicle registration checks with random compliance checks of drivers and vehicles on the road.

***RECOMMENDATION 3*.....39**

That S.39(3) of the Traffic Act 1949 be amended to require compulsory carriage of all classes of driver's licences by all drivers except drivers who during the course of their primary production occupation are required to access a roadway as part of normal on-farm activity.
Note: This exemption should apply only to activities that are directly involved in on-farm work, not normal road use.

***RECOMMENDATION 4*.....39**

That amendments to S.39(3) the Traffic Act 1949 provide reasonable exemption from compulsory licence carriage requirements for persons involved in emergency services activities.

***RECOMMENDATION 5*.....40**

That driving while unlicensed offences under S. 15(1) and S.15(2) of the Traffic Act 1949 be made ticketable offences where it is a first offence with no prior unlicensed driving offences during the previous five years or where the driver's licences for the class of vehicle being driven has expired.

***RECOMMENDATION 6*.....41**

That penalties for licensing offences where Traffic Infringement notices are issued be increased to: \$120 for administrative offences; \$120 for failure to comply with conditions offences; \$180 for driving without required supervision offences; and \$120 for failure to produce a licence.

***RECOMMENDATION 7*.....41**

That penalty for failure to provide any class of driver's licence for inspection be \$120 where a ticketable offence notice is issued.

***RECOMMENDATION 8*.....42**

That Queensland Transport inspectors be authorised to prepare traffic breach reports for unlicensed driving offences that they detect.

RECOMMENDATION 9.....43

That Queensland Transport informs Magistrates of the rationale behind ticket penalty increases for unlicensed driving offences, the seriousness of unlicensed driving penalties and other matters that may assist them to impose penalties under the Traffic Act 1949 and the Traffic Regulations 1962 that are consistent and effective.

RECOMMENDATION 10.....43

That the recovery of number plates from unregistered vehicles be made a priority activity for Queensland Transport inspectors to reduce the use of unregistered vehicles on the road.

RECOMMENDATION 11.....44

That Queensland Transport funds road-side surveys of unlicensed driving and the driving of unregistered vehicles in Queensland.

RECOMMENDATION 12.....45

That Queensland Transport conduct a mass media campaign to support strategies to substantially increase the risk of detection of unlicensed drivers and drivers of unregistered vehicles. Mass media campaigns should not be used unless substantial and visible improvements in the detection of offenders are in place.

PART 1 ~ INTRODUCTION

THE TRAVELSAFE COMMITTEE

1. The Travelsafe Committee of the 49th Parliament was appointed by a resolution of the Legislative Assembly on 30 July 1998.
2. Under the resolution the committee monitors, investigates and reports on:-
 - (a) issues affecting road safety including the causes of road crashes and measures aimed at reducing deaths, injuries and economic costs to the community;
 - (b) the safety of passenger transport services, and measures aimed at reducing the incidence of related deaths and injuries; and
 - (c) measures for the enhancement of public transport in Queensland and reducing dependence on private motor vehicles as the predominant mode of transport.

BACKGROUND AND SCOPE OF THE INQUIRY

3. The committee called its inquiry into the road safety implications of unlicensed driving and the driving of unregistered vehicles because it was concerned at the impact these problems appeared to have on driver and vehicle management. While unlicensed driving or the driving of unregistered vehicles are not major crash factors such as alcohol or excessive speed, they have implications for the efficacy of licence and vehicle sanctions that are designed to deter illegal road use to reduce the risk of crashes.
4. In examining these matters, the committee determined that it would consider:
 - the costs of unlicensed driving and the driving of unregistered vehicles in Queensland;
 - the reasons people drive unregistered vehicles or without a valid driver's licence;
 - the adequacy of existing counter measures to address unlicensed driving and the driving of unregistered vehicles;
 - additional measures the government could take; and
 - what, if any, aspects of unlicensed driving and the driving of unregistered vehicles warrant further research.

INQUIRY PROCESS

5. The Chairman announced the inquiry and released an issues paper outlining the committee's preliminary research, *Issues paper No. 2: the Road Safety implications of Unlicensed Driving and the Driving of Unregistered Vehicles in Queensland*, on 4 September 1998. Six hundred copies of the issues paper were distributed to Members of the Legislative Assembly, government departments, community groups and other stakeholders. The committee also posted the paper on the Parliament of Queensland website at www.parliament.qld.gov.au. The committee advertised in major newspapers for written submissions on the weekend of 5 & 6 September 1998.

6. The committee received 15 public submissions. These are listed at Appendix B.
7. The committee held two public hearings in Brisbane on 4 November 1998 and 8 February 1999. The second hearing focused on the issue of compulsory licence carriage requirements as a strategy to reduce unlicensed driving. The names of witnesses who gave evidence at the hearings are listed at Appendix C.

RESPONSIBILITY OF MINISTERS

8. This report makes recommendations for the government to implement. The *Parliamentary Committees Act 1995* (the *Act*) requires ministers to provide written responses to these recommendations to parliament.

“PART 5 - MINISTERIAL RESPONSES TO REPORTS’ of the *Act* requires the responsible Minister or Ministers to respond to recommendations contained in the committee’s reports.

Subsections 2 to 6 of section (24) of the *Act* state:-

- (2) The Minister who is responsible for the issue the subject of the report must provide the Legislative Assembly with a response.
- (3) The response must set out-
 - (a) any recommendations to be adopted, and the way and time within which they will be carried out; and
 - (b) any recommendations not to be adopted and the reasons for not adopting them.
- (4) The Minister must table the response within 3 months after the report is tabled.
- (5) If a Minister cannot comply with subsection (4), the Minister must-
 - (a) within 3 months after the report is tabled, table an interim response and the Minister’s reasons for not complying within 3 months; and
 - (b) within 6 months after the report is tabled, table the response.
- (6) If the Legislative Assembly is not sitting, the Minister must give the response (or interim response and reasons) to the Clerk of the Parliament for tabling on the next sitting day.

PART 2 ~ DRIVER AND VEHICLE MANAGEMENT

9. The safe and efficient movement of traffic depends on an effective traffic enforcement system. The traffic enforcement system enables governments to control the behaviour of individual road users using preventative, persuasive and punitive measures. The administration of these measures depends, in turn, on driver licensing and vehicle registration systems otherwise known as 'driver and vehicle management'. These systems enable governments to:
 - identify individual drivers and vehicles;
 - regulate the qualifications and proficiency of drivers;
 - regulate the safety of vehicles on the road;
 - penalise and restrict unsafe drivers caught committing traffic offences;
 - penalise and restrict the owners and drivers of unsafe vehicles on the road;
 - administer compulsory third party (CTP) insurance schemes for vehicles; and
 - levy road user charges.
10. Driver and vehicle management systems are also used to identify drivers and vehicles for other purposes. These include: the enforcement of non-traffic laws by police and other government inspectors; the location of persons of interest by police to serve court documents; the administration of other licensing systems by governments; and a wide range of commercial and financial transactions.
11. Driver licensing and vehicle registration systems in Queensland are managed by Queensland Transport.

DRIVER LICENSING IN QUEENSLAND

12. Driver licensing has been a feature of driver management in Queensland since the 1920s. According to Queensland Transport, the primary objectives of driver licensing are to:
 - ensure that drivers display a sufficient level of competence necessary to enter the road network, to proceed to a higher licence class, and to retain their driving privileges;
 - administer a graduated entry to the road network limiting the possible impact of high risk road use factors (such as alcohol);
 - provide a means of identifying drivers, enabling the monitoring and management of their driving behaviour; and
 - acknowledge the social and legal obligations associated with driving and discourage inappropriate behaviour which may lead to the removal of driving privileges (QT 1996a;14).
13. Queensland's driver licensing laws are contained in the *Traffic Act 1949* (the Act) and *Traffic Regulations 1962*. S.11(1). S.14 of the Act authorise a 'superintendent' (a delegate of the Chief Executive of Queensland Transport or a delegate of the Commissioner of Queensland Police) to issue or renew certain classes of driver's licences. Offence provisions concerning driver licensing are enforced by the Queensland Police Service. Driver's licences in Queensland feature a photo of the licensee and the following personal information:
 - licence number, type and expiry date;

- full name and address;
 - gender, height and date of birth;
 - indication of organ donor status; and
 - signature.
14. At the end of June 1998, over 2.2 million Queensland drivers were licensed by Queensland Transport. 2 million (90 percent) of these drivers were holders of open licences. Table 1 gives a breakdown of Queensland driver's licences by licence type.

Table 1: Queensland Driver's Licences by Type at 30 June 1998

| Type | Male | Female | % of Total | Total |
|-------------------------|------------------|------------------|------------|------------------|
| Learners | 34,348 | 44,593 | 3.5 | 78,941 |
| Open | 1,061,905 | 945,754 | 89.6 | 2,007,659 |
| Provisional | 81,115 | 65,359 | 6.5 | 146,474 |
| Restricted* Provisional | 2,124 | 294 | 0.1 | 2,418 |
| Special** Provisional | 4,006 | 683 | 0.2 | 4,689 |
| Total | 1,183,498 | 1,056,683 | | 2,240,181 |

Source: based on information supplied by Queensland Transport

Notes:

* Restricted provisional licences are restricted licences issued to convicted drink drivers

** Special provisional licences are restricted licences issued by police in lieu of open licences that are cancelled or suspended on accumulation of licence demerit points

VEHICLE REGISTRATION IN QUEENSLAND

15. The Queensland government introduced motor vehicle registration in 1920. Its prime purpose was to provide funds for construction and maintenance of an effective state-wide road system for the benefit of commercial interests and the general development of the state. The motor vehicle registration system also:
- sets safety standards for vehicle access to public roads;
 - identifies responsible owners of registered vehicles for vehicle management and enforcement purposes; and
 - provides a basis to collect third party insurance premiums for vehicles.
16. Requirements to register motor vehicles in Queensland are contained in the *Transport Infrastructure (Roads) Regulations 1991*. These provisions are enforced by the Police and Queensland Transport inspectors.
17. Under R.20 and R.21 of the *Transport Infrastructure (Roads) Regulation 1991*, number plates and registration certificate labels provided by Queensland Transport must be fixed to vehicles as proof of registration. The number plates and labels for each vehicle are unique. Registration labels are colour coded for the year of issue and show: the month the registration falls due; the type and make of vehicle; the manufacturer's vehicle identification number and the vehicle registration number. Labels are posted to vehicle owners on payment of the prescribed registration fees.
18. Under R.12 of the *Transport Infrastructure (Roads) Regulations 1991* a person must not use, or permit to be used, on a road, a vehicle that is not registered under this regulation. The exceptions to this are: authorised vehicles registered in another state, a territory, the

Commonwealth or a foreign country; and authorised vehicles with dealer's plates, limited use plates or limited use permits. Conditions apply in these cases.

Requirements for registration

19. Under R.14(1) of the *Transport Infrastructure (Roads) Regulations 1991*, applications to Queensland Transport to register a vehicle must be accompanied by documents and payment of charges including:
- the prescribed registration and plate fees;
 - stamp duty payable under the *Stamp Act 1894*;
 - a certificate¹ under the *Motor Vehicle Safety Act 1980* for the vehicle;
 - a certificate of compliance under the *Gas Regulation 1989* for the vehicle (if applicable); and
 - an insurance certificate for the vehicle or the appropriate insurance premium, for the proposed period of registration, under the *Motor Accident Insurance Act 1994*.
20. The annual CTP insurance premium for all classes of private use motor vehicles registered in Queensland is increased by \$40 to \$286 from 1 July 1999. With this increase, the annual cost to re-register vehicles in Queensland is \$170 for single-seat motorcycles, \$376 for motorcycles with pillions, \$486 for 4 cylinder vehicles, \$576 for 6 cylinder vehicles, \$679 for 8 cylinder vehicles and \$741 for vehicles with 9-12 cylinders. At the end of July 1998, there were 2,737,638 vehicles registered in Queensland. Table 2 gives a breakdown for the vehicle on register in Queensland by vehicle type.

Table 2: Vehicles Registered in Queensland by Vehicle Group, July 1998

| Vehicle Group | Vehicles | Proportion (percent) |
|---------------|------------------|----------------------|
| CARS | 2,073,553 | 75.7 |
| TRAILERS | 459600 | 16.8 |
| TRUCKS | 76856 | 2.8 |
| MOTOR CYCLES | 71312 | 2.6 |
| OTHER | 49641 | 1.8 |
| BUSES | 6676 | 0.2 |
| Total | 2,737,638 | 99.9 |

Source: Queensland Transport (Submission No.12)

21. From the table, three quarters (75.7 percent) of vehicles registered in Queensland are "cars". This vehicle group comprises cars, station-wagons, utilities and vans. The next largest group which comprises 16.8 percent of vehicles on register is "trailers". Motorcycles comprise approximately one fortieth (2.6 percent) of the registered vehicle fleet.

¹ The certificate under the *Motor Vehicle Safety Act 1980* is a certificate of inspection issued by accredited persons under S24.(1) of the *Act* to indicate that a particular motor vehicle is in good repair and has no defect that would affect its safe use on the road.

PART 3 ~ UNLICENSED DRIVING

UNLICENSED DRIVING²

22. 'Unlicensed driving' is defined as driving a motor vehicle without a valid licence. Unlicensed drivers include drivers who:
- have let their licence expire;
 - have had their licence cancelled for the class of vehicle they drive;
 - drive outside the restrictions of a special licence; or
 - have never held a licence (QT,1996a;20).
23. All Australian jurisdictions have laws that prohibit unlicensed driving.

THE EXTENT OF UNLICENSED DRIVING

24. Unlicensed driving is commonplace on Australian roads. This is based on studies of Coroners' records for road crash victims by the Federal Office of Road Safety (FORS) and other research (Job *et al*, 1994; Smith & Maisey, 1990; Watson, 1997; Watson; 1998; Watson *in press*).

Unlicensed driving in Australia

25. Unlicensed driving in Australia was investigated by the Federal Office of Road Safety (FORS) in 1997. It published two monographs about its studies of fatal crashes in 1992 and 1994. Its Monograph No.20 *Profile of Unlicensed Motorists in Fatal Crashes* reports that Australian roads feature a disturbingly high incidence of unlicensed driving, and that crashes involving these motorists make a significant contribution to Australia's road casualty statistics. According to FORS (1997a):
- 9 percent of all road fatalities in Australia in 1992 and 1994 were from crashes involving unlicensed drivers and riders, and almost half of these deaths involved parties other than the unlicensed motorists;
 - at least 5 percent of drivers and 19 percent of motorcycle riders involved in fatal crashes were unlicensed;
 - approximately three-quarters of the unlicensed riders and half the unlicensed drivers involved in fatal crashes had never held a licence for the type of vehicle they were driving/riding.
26. FORS reports that the involvement of unlicensed motorists in fatal crashes varies dramatically across jurisdictions. Table 3 below is based on data contained in FORS 1997a.

² Unless otherwise specified, "driving" includes the riding of motorcycles, and "drivers" include motorcycle riders.

Table 3: Motorist Involvement in Fatal Crashes, by State/Territory of Crash and Licence Status, 1992 and 1994.

| State/territory of crash | No of licensed motorists* | No. of unlicensed motorists | % unlicensed | Proportion of national total Australia |
|--------------------------|---------------------------|-----------------------------|--------------|--|
| NT | 68 | 19 | 22% | 6.8% |
| WA | 424 | 45 | 10% | 16.1% |
| Tas | 139 | 11 | 7% | 3.9% |
| SA | 348 | 24 | 6% | 8.6% |
| Vic | 942 | 62 | 6% | 22.1% |
| Qld | 970 | 48 | 5% | 17.1% |
| NSW | 1515 | 70 | 4% | 25% |
| ACT | 46 | 1 | 2% | 0.4% |
| Australia | 4452 | 280 | 6% | |

Source: based on Table 5 in FORS 1997(a).

Note* Includes motorists for whom licence details are unknown.

27. From the table, the proportion of motorists involved in fatal crashes ranges from 22 percent in the Northern Territory to 2 percent in the Australian Capital Territory.
28. Queensland recorded 48 fatal crashes involving unlicensed drivers over the two years. These account for 17.1 percent of all unlicensed driver crashes in Australia during 1992 and 1996.

Unlicensed driving in Queensland

29. Unlicensed driving in Queensland is examined in a series of papers by Mr Barry Watson, a road safety researcher with the Centre for Accident Research and Road Safety - Queensland at the Queensland University of Technology (Watson 1997; Watson 1998; Watson *in press*). This work was based on crash data compiled by Queensland Transport for the five years 1992-1996. Mr Watson's papers are cited in the Queensland Transport/Queensland Police Service joint submission and the CARRS-Q submission. Prior to working for CARRS-Q, Mr Watson was a driver licensing policy advisor with Queensland Transport.
30. Tables 4 and 5 at Appendices C & D taken from the CARRS-Q submission provide a breakdown for drivers involved in fatal crash according to key driver/crash variables and licence status. From Table 5, for Queensland crashes during 1992-96, unlicensed drivers were involved in:
 - 6.1 percent of fatal crashes;
 - 5 percent of hospitalised injuries;
 - 2.5 percent of crashes resulting in other injury; and
 - 2.2 percent of property damage only crashes.

CHARACTERISTICS OF UNLICENSED DRIVERS

31. Unlicensed drivers are not a homogenous group. They include drivers who drive unlicensed for vastly different reasons.

-
32. by definition, unlicensed drivers include drivers who may: have had their licence cancelled for the class of vehicle they drive due to an excess of serious traffic offences; deliberately drive outside the restrictions of a special licence; have never held a licence; or have inadvertently let their licences expire. From Table 4 at Appendix C, of the 162 unlicensed drivers involved in fatal crashes in Queensland during the period 1992-96:
- 31.3 percent were ‘never licensed’;
 - 29.6 percent were driving while cancelled or disqualified;
 - 17.3 percent were ‘other unlicensed’;
 - 13 percent were driving a class of vehicle they were not licensed to drive; and
 - 8.7 percent were driving with expired licences.

Crash risks

33. Unlicensed drivers are high risk drivers compared to licensed drivers. They are more than twice as likely to be involved in a serious crash than a minor crash (Watson, 1997 in Submission 10). When they do crash, they are usually at fault (FORS 1997a).
34. Compared to licensed drivers, crashes involving unlicensed drivers are more often associated with risk taking. CARRS-Q submits that the preparedness of drivers to engage in different forms of unlicensed driving may reflect a broader propensity to take risks (Submission 10;pp9). The more ‘flagrant’ unlicensed driving (driving without a licence and driving while disqualified) is associated with higher risk-taking and crash risks on the road compared to unlicensed driving at the other end of the spectrum such as driving on expired licences.
35. From Table 5 at Appendix D, crashes involving unlicensed drivers are two and a half to three times more likely to involve alcohol and drugs, exceeding the speed limit and excessive speed for the conditions, and almost four times more likely to involve motorcycle use. CARRS-Q submits that crashes involving unlicensed drivers are also more likely to occur on the weekend and at night ie at recreational times (Submission No. 10 pp3). This conflicts with previous research that suggests that unlicensed motorists drive in a relatively safe manner in order to avoid detection (Williams, Hagen & McConnell,1984; Smith & Maisey,1990). It also fits with the findings of research into the behaviour of Victorian disqualified drivers who are over-represented in serious crashes and in crashes that suggest a pattern focused on recreational road use and drinking (Harrison, 1997).
36. Unlicensed drivers are also more likely than licensed drivers to cause crashes. FORS reports that 77 percent of unlicensed drivers involved in fatal crashes in Australia during 1992 and 1994 were fully or partially responsible for the crashes compared to only 44 percent of involved licensed drivers. Similarly, 87 percent of unlicensed motorcycle riders were responsible for crashes in which they were involved compared to only 59 percent of licensed riders (FORS 1997b).
37. Crash risks also vary among the different categories of unlicensed drivers. According to Watson (1997) which examines Queensland crash data for the period 1992-96, the unlicensed groups most at risk were drivers who did not possess an appropriate class of licence for the vehicle they were driving (predominantly males riding motorcycles). This is followed by those who were disqualified or cancelled; and those who had never been licensed (Submission 10). Collectively, these categories account for 59 percent of unlicensed drivers involved in serious crashes in Queensland during the five years examined.

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38. As might be expected, the sub-group of unlicensed drivers with the lowest crash risk were those driving on expired licences.

Age of the unlicensed drivers

39. Unlicensed driving in Queensland is largely a young driver problem in terms of both crash involvement and unlicensed driving offences that have been detected. This includes unlicensed driving by juveniles under 17 years of age - a significant unlicensed driver group.
40. Table 5 at Appendix D presents data on key characteristics of drivers involved in serious casualty crashes in Queensland for the period 1992-96. From the table, drivers aged under 25 account for 30.8 percent of licensed drivers and 57.8 percent of unlicensed drivers involved in serious casualty crashes (fatal or hospitalisation crashes). Drivers aged 25-39 account for approximately a third of both the licensed drivers (33.8 percent) and the unlicensed drivers (33.3 percent) and involved in serious casualty crashes. Drivers aged 40 and over account for 35.4 percent of licensed drivers and 8.9 percent of unlicensed drivers involved in these crashes.
41. A similar age profile for unlicensed drivers occurs with unlicensed driving offenders apprehended by police. Figure 1 at Appendix E shows the number of unlicensed driving offences recorded in Queensland during the financial years 1996/97 and 1997/1998, by the age of the offender. From the table, unlicensed driving offences peaked for offenders aged 20 years during both years examined.
42. Research by CARRS-Q shows that approximately a third of the 'never licensed' drivers involved in fatal crashes between 1992-96 were 16 years of age or younger (submission No. 10 pp15). In further evidence, Mr Barry Watson told the committee that:
- about 7 percent of unlicensed drivers nationally are 15 years of age or younger;
 - anecdotal evidence suggests that unlicensed driving is a problem among aboriginal youth; and
 - juvenile unlicensed driving has been subject to very little research (Transcript page 7).
43. Other evidence from CARRS-Q suggests that under-aged driving may be common in rural areas with a very high proportion of rural children driving at age 14, unlicensed (Transcript page 5).

Gender of unlicensed drivers

44. Males drivers are over-represented in fatal crashes involving licensed drivers, and to an even greater extent in crashes involving unlicensed drivers.
45. As discussed above, similar numbers of males and females hold Queensland drivers licences. At 30 June 1998, males comprised 53 percent of licensed drivers in Queensland with 1.18 million under licence, compared to 1.06 million females.
46. Table 5 at Appendix D presents information on the gender of drivers involved in serious casualty crashes in Queensland for the period 1992-96. It shows that males accounted for 70.1 percent of licensed drivers and 84.3 percent of unlicensed drivers involved in these

crashes. Females accounted for 29.9 percent of licensed drivers and 15.7 percent of unlicensed drivers involved. Given the gender breakdown of licensed motorists, the data suggests that male drivers are significantly over-represented in serious casualty crashes. It also suggests an even greater over-involvement of males among unlicensed drivers. This was concluded by FORS from its research that showed that males are the worst offenders for unlicensed driving (FORS 1997a).

Vehicle type

47. Unlicensed driving predominantly involves light vehicles: cars and motorcycles.
48. Table 5 at Appendix D presents data on the types of vehicle driven by licensed and unlicensed motorists involved in serious casualty crashes in Queensland for the five years 1992-96. From the table:
 - 82.4 percent of licensed motorists and 67.2 percent of unlicensed motorists drove cars;
 - 10.1 percent of licensed motorists and 30.9 percent of unlicensed motorists rode motorcycles; and
 - 7.4 percent of licensed motorists and 1.8 percent of unlicensed motorists drove trucks and buses.
49. Of particular note from these figures is the involvement of unlicensed motorcycle riders in serious casualty crashes. As discussed earlier, 2.6 percent (approximately one fortieth) of the registered vehicle fleet in Queensland are motorcycles. For the five years 1992-96, motorcycles accounted for almost a third of all vehicles used by unlicensed motorists involved in serious casualty crashes in Queensland. Unlicensed motorcycle riders are also significantly over-represented in serious casualty crashes compared to licensed riders. Excluding overseas riders and unknowns, CARRS-Q calculated that 20 percent of motorcycle riders involved in fatal crashes in Queensland are unlicensed (Submission No. 10 pp6).
50. The data from Table 5 also highlights the significant under-representation of heavy vehicles (trucks and buses) in serious casualty crashes involving unlicensed drivers. When considered with the FORS findings from its studies of coronial data, it appears that the predominance of 17-24 year olds, males and motorcycles in these crashes are linked, and that young, male motorcycle riders who are unlicensed are an important target group for interventions.

FACTORS CONTRIBUTING TO UNLICENSED DRIVING

51. Theoretical and survey evidence provide clues as to why people drive without a valid licence. The strongest evidence comes from a study of disqualified drivers, and points to links with the perceived risk of apprehension, the availability of alternative forms of transport and the attractiveness of unlawful behaviour. Surveys of unlicensed drivers identify other reasons such as a range of exceptional circumstances and ignorance by drivers and riders in many cases that they were unlicensed.

Perceived risk of apprehension

52. Three behavioural studies (Nichols & Ross,1990; Ross,1991; Robinson & Kelso, 1981) discuss the link between disqualified driving and anxiety about apprehension. Robinson &

- Kelso (1981), using responses from Robinson's (1977) survey of disqualified drivers, reports a significant relationship between anxiety about possible apprehension and the decision to drive i.e. respondents who admitted driving were more likely to rate their anxiety about possible apprehension as lower than those who reported that they didn't drive. The perceived risk of apprehension was the strongest predictor of their anxiety (Submission No. 10,pp13).
53. Robinson and Kelso (1981) in Job *et al* (1994) propose three main factors which would contribute to anxiety about the possibilities of police detection when driving while disqualified that would in turn be a determinant of the decision whether or not to drive:
- **perceived probability of apprehension** - subject's assessments of the risk of apprehension by the police;
 - **availability of alternatives to driving** - inversely related to the ratings of disruption to lifestyle caused by loss of licence; and
 - **attractiveness of unlawful behaviour** - taken to be a consequence of the individual's perception of his/her own ability, legitimacy of the sanction, and knowledge of the penalty provided for driving while disqualified (Robinson & Kelso 1981 in Job *et al* 1994).
54. Focus group research conducted by Queensland Transport in 1996 arrived at similar conclusions. It found that motorists' perceived risk of apprehension for unlicensed driving appears to be lower than for other traffic offences such as speeding and drink driving (Queensland Transport, 1996a).
55. Other research suggests that some drivers drive unlicensed despite the risk of apprehension. CARRS-Q cites a number of studies in its submission (Bakker *et al*, 1997; Mirrlees-Black, 1993; Wilson, 1991; Job *et al*,1994) that examine unlicensed driving which is less linked to rational choice, particularly driving while disqualified or suspended from driving (Submission no. 10 pp14). These studies suggest some offenders continue to drive while disqualified:
- in response to stressful life events such as interpersonal conflict despite strong expectations that they will be caught (Bakker *et al*, 1997);
 - because they have a compulsion to drive which cannot be satisfied by alternative forms of transport (Mirrlees-Black, 1993); or
 - because of a lifestyle-related problem or syndrome linked with other criminal and high-risk behaviours (Wilson, 1991; Job *et al*, 1994).

Reasons cited by unlicensed drivers for their offending

56. Several Australian studies report the results of surveys of unlicensed drivers as to their reasons for offending. These reasons include: business and employment commitments; family or social reasons; and lack of public transport (Robinson, 1977; Ross & Gonzales, 1988; Smith & Maisey 1990; Mirrlees & Black, 1993; Job *et al*, 1994). Robinson (1977) notes that disqualified drivers who continue to drive report doing so only in exceptional circumstances, though, he also reports that a considerable number of exceptional circumstances presented themselves (Robinson,1977 in Submission 10). Job *et al* (1994) notes that almost 30 percent of respondents reported that they were not aware that they were unlicensed when they were detected, particularly amongst drivers with expired licences and those who held interstate licences (Job *et al* 1994 in Submission No. 10).

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57. According to CARRS-Q, these studies have a number of shortcomings and limitations. These include: low survey response rates; bias towards less serious offenders; a tendency to focus on disqualified drivers rather than unlicensed drivers in general; and the failure to identify underlying contributing personal, social and environmental factors (Submission 10pp12). A further limitation is that very few surveys include unlicensed drivers who have never been licensed. As discussed earlier, these are one of the unlicensed motorist sub-groups most often involved in crashes.

FINES ENFORCEMENT PROGRAMS

58. Several Australian jurisdictions operate programs to enforce the payment of fines. These programs link the non-payment of fines with sanctions against offenders through driver licensing and vehicle registration systems. The use of these sanctions may have undesirable effects on the levels of unlicensed driving and unregistered vehicle use.
59. New South Wales has been operating a fines enforcement program to recover outstanding penalties for two years. It is based on a central fine-processing bureau that handles all ticketable offences for the state including local government parking and dog registration offences. If a fine is not paid in the first instance, this central bureau issues a reminder on behalf of the appropriate authority adding additional costs for administration. If a response is not forthcoming in terms of full or part payment arrangements, the offender's driver's licence and registrations for up to five vehicles registered in their name are cancelled without any refund. There is no right of appeal regarding these cancellations. If the offender does not have a driver's licence or vehicle registered in his/her name, the matter is referred to the State Debt Recovery Agency which utilises bailiff arrangements.
60. The committee was told that since the introduction of the system in New South Wales, 72 percent of traffic infringement notices have been paid on time, and the number of warrants for outstanding traffic fines has reduced significantly (Exhibit 1(k)). However, there appear to be some drawbacks, particularly in relation to unlicensed driving. In evidence, Commander Ron Sorrenson of the New South Wales Police Service told the committee that the New South Wales fine recovery system had impacted on unlicensed driving in that state. He stated:

If you look at the numbers of licences that they are cancelling, I see that it is building up that pool of unauthorised drivers. it is only normal to assume that, out of that pool, a percentage will continue to drive (Transcript page 60).

61. The Government proposes to establish a fine recovery system for Queensland. In a ministerial statement to the House on 23 March 1999, the Honourable Mat Foley MLA, Attorney-General and Minister for Justice and Minister for Arts, announced his intention to introduce the legislation in May or June 1999. This legislation would provide for the establishment of the State Penalty Enforcement Register (SPER). According to the Minister, \$62.6 million was owed to the state at the time in unpaid fines and other penalties imposed by the Courts since 1 July 1995. Measures he proposed to reduce the cost of fine enforcement and minimise the number of fine defaulters include the suspension of drivers' licences for motor vehicle-related offences, as in New South Wales, though not the cancellation of vehicle registrations.

62. The previous government also proposed a fine enforcement system, the Fine Infringement Notice and other Debts Enforcement Registry (FINDER). In evidence, Queensland Transport officers told the committee that the department had expressed concerns about FINDER. In evidence, Queensland Transport's Executive-Director of Land Transport and Safety, Mr Paul Blake, told the committee:

I think it is worth mentioning to the Travelsafe Committee that Queensland Transport has had some concerns with FINDER. The nature of our concern is that part of the proposal is to, for the first time, link other offences to the driver's licence. We have always been able to use offences against the driver's licence and sanctions against the driver's licence as a road safety tool. FINDER broadens that out and says, "if you commit any offence that the Government is interested in, you could end up losing your licence." We have some concerns about that, which we have expressed to the relevant agencies, and that is the nature of the current negotiations (Transcript page 46).

63. The committee notes that fine enforcement programs are an attractive remedy for governments to recover unpaid fines. NSW experience suggests, however, that fine enforcement programs that impose licence sanctions as a penalty for the non-payment of fines contribute to the unlicensed driving problem.

ROAD SAFETY IMPLICATIONS OF UNLICENSED DRIVING

64. Unlicensed driving impacts on road safety. Unlicensed drivers pose two road safety problems:
- the risks that they pose to themselves, their passengers and others on the road due to their driving; and
 - effects on traffic enforcement due to the weakening of the deterrent effect of licence sanctions.

Road safety risks posed by unlicensed drivers

65. As discussed above, unlicensed drivers are high risk drivers and a major concern to road safety authorities. According to the Queensland Police Service and Queensland Transport, it is possible that persons who drive unlicensed:
- have not reached a sufficient level of competence to drive a particular vehicle;
 - have not demonstrated their commitment to the principles of safe road use;
 - are placing themselves in high risk situations before they have developed the necessary skills or gained sufficient experience; and
 - are driving outside of the driver management system which has been specifically designed to monitor and manage their on-road behaviour (Submission No.12 pp8).

The involvement of unlicensed drivers in fatal crashes and evidence of high risk behaviour in their crashes suggest that these concerns are well founded.

66. As noted above, unlicensed drivers are twice as likely as licensed drivers to be involved in serious injury crashes, and more likely to be at-fault (FORS 1997a, Watson 1997). Further to their fault risk, their crashes often involve a cluster of high-risk driving behaviours including: driving while impaired by alcohol and drugs; motorcycle riding; exceeding the speed limit; and driving at excessive speed for the prevailing conditions (Harrison 1997; Watson 1997; FORS 1997b).

67. While not a major crash factor like excessive speed or alcohol, the costs of crashes involving unlicensed drivers is substantial. Table 6 presents estimates of the social cost of crashes involving unlicensed drivers in Queensland for the five years 1992-1996. These costings reflect the community costs of crashes and include medical treatment costs and lost earnings. The committee calculated these costs using crash statistics taken from the CARRS-Q submission and average accident costings devised by Queensland Transport.

Table 6: Social Costs of Crashes Involving Unlicensed Drivers in Queensland, 1992-96.

| Severity of crash | Social Cost (\$) | Unlicensed driver crashes during 1992-1996 | Cost of unlicensed driver crashes 1992-1996 |
|----------------------------|------------------|--|---|
| Fatal | 712,000 | 162 | 115,344,000 |
| Hospitalisation | 148,000 | 1263 | 186,924,000 |
| Other injury | 20,000 | 1423 | 28,460,000 |
| Property damage only | 10,000 | 1899 | 18,990,000 |
| Total for 1992-1996 | | | \$349,718,000 |

Source: based on crash data contained in Submission No.10 and Queensland Transport accident costings

68. From the table, the aggregate social cost of unlicensed driver crashes in Queensland during the five years was \$349.7 million, or \$70 million per annum.

Impact on the driver licensing system

69. In addition to the cost of accidents, unlicensed driving poses significant intangible costs to the driver licensing system by weakening the deterrent effect of sanctions against traffic offenders. This reduces the capability of authorities to effectively manage drivers (QT, 1996a; 146).
70. The threat of demerit licence points or licence disqualification are key sanctions used by governments to regulate the on-road behaviour of motorists. By its nature, unlicensed driving can undermine the credibility and integrity of the licensing system and the deterrent value of licence loss as a penalty (QT, 1996a;146). As in other jurisdictions, drivers in Queensland who breach safe driving laws are liable to fines and licence demerit points penalties if detected. Drivers who commit offences with serious road safety consequences are generally liable to larger fines, longer periods of licence restrictions and more licence demerit points. The most severe licensing sanction is loss of licence -the withdrawal of driving privileges.
71. As discussed above, unlicensed driving is common practice. In Queensland, 6.1 percent of all motorists and 20 percent of motorcycle riders may be unlicensed based on their involvement in fatal crashes. For these motorists who chose to drive illegally, the *specific* deterrence effect of licence loss appears negligible. Similarly, the fact that a significant proportion of motorists, including perhaps 1 in 5 motorcycle riders, believe they can drive or ride without a licence and not be easily detected suggests that the *general* deterrence effect of licence sanctions is also reduced.

UNLICENSED DRIVING OFFENCES IN QUEENSLAND

72. There are a range of court and ticketable offences relating to unlicensed driving in Queensland. There are inconsistencies however between:

- the road safety implications of various forms of unlicensed driving and how these offences proceed through the justice system;
- the penalties that courts may impose and the penalties that apply where ticketable offence notices are issued; and
- the penalties that are imposed by the Courts and the road safety implications of the offences.

73. Queensland's *Traffic Act 1949* and *Traffic Regulation 1962* deal with unlicensed driving offences. The following tables, Table 7: *Non-ticketable Unlicensed Driving Offences - Queensland* and Table 8: *Ticketable Unlicensed Driving Offences - Queensland*, set out the offences and penalties that apply. Ticketable offences are offences for which police have discretion to issue a Traffic Infringement Notice (TIN) under the *Justices Act 1886* in lieu of referring the matter directly to court. It follows that non-ticketable offences are offences where police do not have this discretion.

Table 7: Non-ticketable Unlicensed Driving Offences - Queensland

| Section/Reg | Offences under the <i>Traffic Act 1949</i> | Statutory Maximum | Penalty Units | Imprisonment |
|-------------|---|-------------------|---------------|--------------|
| 15(1) | Driving without a valid licence | \$3,000 | 40 | 6 months |
| 15(1) | Permitting a person to drive without a valid licence | \$3,000 | 40 | 6 months |
| 15(3)* | Driving while disqualified | \$2,550 | 34 | 18 months |
| | Driver Licence Offences under the <i>Traffic Regulations 1962</i> | | | |
| 131(4) | Fail to return licence later found previously declared lost, stolen, etc. | \$1,500 | 20 | N/A |

Source: based on Duhs & Schroder (1996) in Submission No. 12

Note: Statutory maximum penalties apply where a charge proceeds to court and in legislation are expressed in terms of penalty units rather than monetary amounts. Currently a penalty unit for a Court determined offence is \$75.

*The S.15.(3) penalty applies in addition to the S.(15.(1) penalty. Disqualified drivers are unlicensed drivers who continue to drive after the Courts suspend their driving privileges as a penalty for drink driving or other serious traffic offences. Disqualified drivers commit offences against both S.15.(1) and S.15.(3). The combined, maximum penalty for these offences is \$5,550 and/or 2 years imprisonment. The Courts may also extend the offenders' licence disqualifications.

74. The tables show that police have no discretion to issue TINS for S.15(1), S.15(3) and R. 131(4) offences. These offences must be dealt with by the Courts. This includes the administrative offence of driving on an expired licence, a S.15(1) offence. As discussed above, unlicensed drivers driving on expired licences have the lowest fatal crash risk of all unlicensed drivers.

Table 8: Ticketable Unlicensed Driving Offences - Queensland

| Reg/ Section | Offences under the <i>Traffic Regulations 1962</i> | TIN Penalty | Statutory Maximum Monetary | Statutory Maximum Imprisonment |
|-------------------------|--|------------------------|---|---|
| 131(1) | Fail to notify licence lost, stolen, destroyed, mutilated or illegible | \$10 | \$1500 | N/A |
| 116(2) | Fail to comply with conditions of licence while acting under the authority of the licence | \$20 | \$1500 | N/A |
| 109(5)(a) | Holder of learner's permit drive particular motor vehicle unaccompanied | \$30 | \$1500 | N/A |
| 109(5)(b) | Holder of learner's permit drive particular motor vehicle without direction of licensed person | \$30 | \$1500 | N/A |
| 109(5)(c)(i) | Holder of learner's permit carrying pillion passenger on motorcycle not held licence 2 years | \$30 | \$1500 | N/A |
| 109(5)(c)(ii) | Holder of learner's permit drive motorcycle under direction of person when the person not licensed 1 year for the type of motorcycle | \$30 | \$1500 | N/A |

Note: Statutory maximum penalties apply where a charge proceeds to Court in legislation are expressed in terms of penalty units whereas tickets are expressed as monetary amounts. Currently a penalty unit for a Court determined offence is \$75.

Source: based on Duhs & Schroder (1996) in Submission No. 12

75. From Table 8, police have discretion to issue a Ticketable Infringement Notices (TIN) for some unlicensed driving offences. These include:
- a \$30 TIN for learner drivers driving while unaccompanied;
 - a \$20 TIN for failing to comply with conditions of a licence³; and
 - a \$10 TIN for failure to notify Queensland Transport of a damaged or lost licence.
76. Also from the table, the committee notes the disparity between the level of TIN penalties and maximum court-imposed penalties for the same offences. At between \$10-30, the TIN penalties represent 1/50th to 1/150th of the maximum penalties.

ENFORCEMENT OF OFFENCES FOR UNLICENSED DRIVING

77. Police in Queensland enforce laws concerning unlicensed driving. They detect offenders through a number of means including:
- random licence checks of vehicle drivers;
 - licence checks of drivers at random breath test sites;
 - licence checks of drivers involved in traffic accidents;
 - licence checks as part of other traffic policing duties; and
 - targeted enforcement campaigns.
78. Queensland Transport inspectors also detect unlicensed drivers during their on-road activities. However, they are not authorised under the *Act* to enforce driver licensing requirements, and refer these matters to police.

³ Driver's licences may be issued subject to special conditions. These includes restricted licences issued to drivers with medical conditions that affect their fitness to drive.

79. In evidence, Queensland Police told the committee that 3,281 breach reports for unlicensed During were filed and 2,919 persons were arrested by police during 1998. A further 1,483 breach reports were filed and 1,046 persons were arrested or summonsed for driving while disqualified during the same period.
80. S.39.(1) of the *Traffic Act 1949* empowers any police officer to require a driver to stop a motor vehicle under a wide range of circumstances and produce their driver's licence where:
- the officer finds the person committing an offence or reasonably suspects the person may have committed an offence; and
 - the officer is making inquiries or investigations with a view to establishing whether an offence under this *Act* has been committed by any person.
81. S.39.(1) of the *Traffic Act 1949* also provides exemption for drivers who: hold an open licence; have a reasonable excuse for not complying with the request; and present their licence at a police station within 48 hours. This effectively exempts the majority of licence holders from requirements to carry their licences with them while driving.
82. The maximum penalty for failing to produce a licence for inspection by police is 40 penalty units, currently \$3,000, or 6 months imprisonment. The TIN penalty for these offences is \$15. Table 9 lists the offences and penalties that apply when drivers fail to present their licences to police on request. These offences are all ticketable offences.

Table 9: Offences for Failure to Produce Licences for Inspection - Queensland

| Reg/ Section | Offences under the <i>Traffic Act 1949</i> | TIN Penalty | Statutory Maximum Monetary | Statutory Maximum Imprisonment |
|-----------------|---|----------------|----------------------------------|--------------------------------------|
| 39(2)(b) Act | Fail to produce Queensland open driver's licence | \$15 | \$3000 | 6 months |
| 39(2)(b) Act | Fail to produce learner's permit on demand | \$15 | \$3000 | 6 months |
| 39(2)(b) Act | Fail to produce Queensland provisional licence on demand | \$15 | \$3000 | 6 months |
| | Offences under the <i>Traffic Regulations 1962</i> | | | |
| R.110A | Fail to produce driver's licence issued outside Queensland | \$15 | \$1500 | N/A |
| 134B(3) | Fail to deliver cancelled/suspended licence for endorsement | \$40 | \$1500 | N/A |

Source: based on Dubs & Schroder (1996) in Submission No. 12

83. As with ticketable unlicensed driving offences (Table 8), the committee notes the disparity between the TIN penalties and the maximum court-imposed penalties for the same offences. For the offences in Table 9, however, TIN penalties may be as little as 1/200th the maximum penalty.

UNLICENSED DRIVING OFFENCES IN OTHER JURISDICTIONS

84. All Australian jurisdictions operate driver licensing systems with offences for unlicensed driving. New South Wales has the most severe penalties for unlicensed driving offences. All jurisdictions, except NSW, provide exemptions for open licence holders from prosecution for failure to present a licence for inspection by police on demand.

Australian Capital Territory

85. S.176 of the *Motor Traffic Act 1936* (ACT) provides that a person must not drive a vehicle without a licence. If a TIN is issued the penalty for this offence is \$239, while the maximum penalty is \$2000. There are no provision for compulsory carriage of licences. S.172 provides that it is an offence if a driver fails to produce his/her licence if requested by a police officer unless they have reasonable excuse and produce it within 3 days at an office, as directed by the officer.

Northern Territory

86. S.32 of the *Traffic Act* (NT) provides that it is an offence to drive a vehicle without a licence. The maximum penalty is \$2000 or imprisonment for 12 months.
87. S.31 creates a separate offence for driving while disqualified. The maximum penalty for this offence is imprisonment for 12 months. The courts may also extend the offenders' licence disqualifications. The *Act* does not require drivers to carry their licences while driving. If requested by police to produce their licence, drivers have 24 hours to do so.

New South Wales

88. Under S.6 of the *Traffic Act 1909* (NSW) it is an offence to drive a vehicle while unlicensed. There are a range of penalties imposed and the police have the option of issuing a TIN to the driver, or having the matter dealt with in court. Table 10 provides the offences and penalties that apply under the *Motor Traffic Regulations 1935* (NSW). R.64 of the *Motor Traffic Regulations 1935* (NSW) provides that all drivers must carry their licences while driving. The penalty where a TIN is issued to drivers not complying with this requirement is \$67. NSW is the only Australian jurisdiction with compulsory carriage of licence requirements for all drivers.
89. In September 1998 the NSW government introduced the Habitual Offenders Scheme to target recidivist traffic offenders where the offences are serious. Habitual unlicensed driving offenders are classed as offenders who accumulate three convictions within five years for: unlicensed - never licensed; or driving whilst disqualified, cancelled, suspended or refused.
90. Under the scheme, habitual offenders convicted of further serious offences are disqualified from driving for 5 years unless a court rules otherwise. The minimum period of disqualification is two years. This is in addition to previous disqualifications that may be in place. The Courts may order longer periods of disqualification including disqualification for life.

Table 10: Penalties for Unlicensed Driving Offences in New South Wales

| Unlicensed Driving Offences | Penalties | First Offence | Second or Subsequent Offence |
|--|---|----------------|------------------------------|
| Driving whilst disqualified, cancelled, suspended or refused | Maximum court-imposed fine | \$3,300 | \$5,500 |
| | Maximum gaol term | 18 months | 2 years |
| | Disqualification - minimum | 12 months | 2 years |
| | Disqualification - in the absence of a specific court order | 12 months | 2 years |
| Never licensed | TIN -- \$500 | | |
| | Maximum court-imposed fine | \$2,200 | \$3,300 |
| | Maximum gaol term | Not applicable | 18 months |
| | Mandatory disqualification and without any specific court order | Not applicable | 3 years |
| Not appropriate licence class - Class of vehicle driven falling in class C, R, LR or MR | TIN | \$320 | \$500 |
| Not appropriate licence class - Class of vehicle driven falling in class HR, HC, or MC | TIN | \$400 | \$800 |
| Driver held licence in other State or Territory but lived in NSW for 3 months | TIN | \$320 | \$500 |
| Driver held a licence that had expired less than 2 years before | TIN | \$320 | \$500 |
| Driver held a licence that had expired 2 years or more before | TIN | \$400 | \$800 |
| Holder of a provisional rider licence drives a motorcycle with engine capacity greater than 260 ml or a power to weight ratio greater than 150 kilowatts per tonne | TIN | \$320 | \$500 |

Source: New South Wales Roads and Traffic Authority, 1998

South Australia

91. The maximum penalty for driving without holding an appropriate licence is \$1250 as provided by S.74(1) of the *Motor Vehicles Act 1959* (SA).
92. S.96 of the *Motor Vehicles Act 1959* (SA) provides that a driver must produce their licence if requested by the police, or produce it at a police station within 48 hours of the request. The maximum penalty for failure to do so is \$250.
93. Specific classes of drivers must carry their licences at all times while driving, without exception. These include: driving instructors; holders of learner's or provisional licences; and drivers of heavy vehicles. The maximum fine for not carrying a licence while driving is \$750 for instructors, \$250 for learner's and provisional licence holders; and a maximum of \$500 for drivers of heavy vehicles.

Tasmania

94. S.14(4) of the *Traffic Act 1925* (Tas) provides that it is an offence to drive a vehicle without a licence. S.43H provides that a police officer may issue a TIN for any offence against the *Act*. S.52 provides that someone guilty of an offence is liable to a maximum penalty of \$500 if it is a first offence. For subsequent offences, a maximum penalty of \$1000 or 3 months imprisonment applies.
95. S.37 of the *Act* deals with driving while disqualified. For a first offence, the maximum penalty is \$250 and/or imprisonment for up to 3 months. For subsequent offences, the

maximum penalty is \$500 and/or imprisonment for up to 6 months. Drivers convicted of multiple traffic offences are required to carry their licences with them while driving.

Victoria

96. S.18(1) of the *Road Safety Act 1986* (Vic) provides that a person who drives a motor vehicle without a licence is guilty of an offence, and is liable to a maximum penalty of \$2500 or imprisonment for a maximum of 3 months. If the person held a licence at some time before the offence, and the licence was not cancelled for a driving related offence, a maximum penalty of \$1000 or one month imprisonment applies.
97. S.59(1) of the *Act* requires motor vehicle drivers to carry their licences with them while driving. If drivers are unable to produce their licences when directed to do so by police, they are *prima facie* guilty of an offence and liable to a maximum penalty of \$500. However, if drivers can provide a reasonable excuse for their failure to produce their licences, and produce the licences within 7 days at the nearest police station, they are not guilty of an offence.
98. There are some classes of drivers to which the reasonable excuse provision in S.59(3) does not apply such as: a holder of a probationary driver licence; drivers or persons in charge of a heavy vehicle to which S.19(5) applies; and drivers issued with licences under an order of the Magistrates' Court on an application under S.50(4), that is, drivers applying for a licence after having been disqualified for drink driving.

Western Australia

99. S.49(1) of the *Road Traffic Act 1974* (WA) provides that the maximum penalty for driving without an appropriate licence, as a first offence, is \$300. For subsequent offences, a maximum penalty of \$600 applies. These penalties do not apply if the unlicensed driver is someone who applied for a licence and was refused, or held a licence but it was cancelled or suspended. In these cases, a range of penalties specified in S.49(2) apply. The person may be arrested without warrant and is liable, depending on the class of offence, to a fine between \$200 and \$2,000 and/or imprisonment for up to 18 months. There is no requirement in the *Act* that drivers must carry their licences while driving or produce them on request.

PART 4 ~ UNREGISTERED VEHICLES ON THE ROAD

UNREGISTERED VEHICLES

100. Unregistered vehicles are:

- vehicles with expired registration;
- vehicles never registered;
- vehicles with cancelled registration; and
- vehicles being driven contrary to permits or conditional registrations.

THE DRIVING OF UNREGISTERED VEHICLES IN QUEENSLAND

101. Compared to unlicensed driving, very little is known about the driving of unregistered vehicles. There are no accurate statistics that show the extent of the problem, and no reliable surrogate measures based on crash involvement rates. This is because police don't record the registration status of vehicles involved in accidents in their accident reports (Submission No. 12). There is also an dearth of published research on the driving of unregistered vehicles. These factors prevent a proper understanding of the problem and how it should be addressed.

102. In the absence of better information to show its extent, the committee considered Queensland Transport surveys of unregistered vehicles on the roads, registration fee payment statistics and statistics for unregistered vehicles detected by traffic cameras. These give estimates for the proportion of vehicles driven on the road that are unregistered ranging from 0.97 - 7.5 percent of the vehicle population. Queensland Transport concluded from its 1996 benchmarking survey that 4.8 percent of vehicles on the road are unregistered - the most plausible state-wide estimate of the extent of the problem.

Benchmarking survey for unregistered vehicles

103. Queensland Transport conducted a state-wide on-road survey of 7,224 vehicles in 1996 to determine the level of compliance with registration requirements (QT 1996). Table 11 details the survey results. The results indicate significant levels of unregistered vehicle use on Queensland roads. 539 vehicles surveyed or 7.5 percent were unregistered. Of these: 11 percent had been unregistered for 0-30 days; 5 percent had been unregistered for 30-60 days; and 12 percent had been unregistered for 60 days or more resulting in their registration being cancelled by Queensland Transport.

Table 11: Unregistered Vehicle Survey, Queensland 1996

| | | |
|---------------------------------------|-------------|--|
| Total vehicles surveyed | 7224 | 0.3% of Queensland's registered vehicle fleet |
| Vehicles not registered in Queensland | 292 | 4% of survey sample |
| Queensland vehicles surveyed | 6932 | 96% of survey sample |
| Unregistered vehicles | 539 | 7.5% of survey sample |
| Unregistered: 0 - 30 days | 59 | 11% of all unregistered vehicles sampled |
| Unregistered: 30 - 60 days | 26 | 5% of all unregistered vehicles sampled |
| Unregistered: 60 - 14 months | 65 | 12% of all unregistered vehicles sampled |
| Unregistered more than 14 months | 389 | 72% of all unregistered vehicles sampled |

Source: Queensland Transport, 1996b in Submission No. 12

104. Queensland Transport re-calculated the rate of unregistered vehicles in the survey at 4.7 percent. It arrived at this figure by discounting the results for unregistered vehicles with registrations cancelled voluntarily by the vehicle owners and plates surrendered or replaced by the owners. The mean level of unregistered vehicles was 6 percent. The methodology used for this survey suggests that its results are more reliable than other surveys of unregistered vehicles cited in the Queensland Transport/Queensland Police Service submission.

Random surveys by transport inspectors

105. In 1997 and 1998, Queensland Transport inspectors in Southern Region checked the registration status of 10,899 vehicles at six major provincial cities: Toowoomba, Warwick, Goondiwindi, Roma, Bundaberg and Maryborough. Table 12 below presents the survey results.

Table 12: Transport Inspector Surveys of Unregistered Vehicles, September-October 1997 and April-May 1998, Queensland.

| Location | 29 Sep 97 to 24 Oct 97 | | | 18 Apr 98 to 28 May 98 | | |
|---------------|---------------------------|--------------|------------|---------------------------|--------------|-------------|
| | Checked | Unregistered | % | Checked | Unregistered | % |
| Toowoomba | 968 | 18 | 1.85 | 1460 | 31 | 2.12 |
| Warwick | 956 | 14 | 1.46 | 1398 | 37 | 2.65 |
| Goondiwindi | 619 | 6 | 0.97 | 990 | 21 | 2.12 |
| Roma | 603 | 18 | 2.99 | 573 | 20 | 3.49 |
| Bundaberg | 616 | 7 | 1.13 | 1073 | 15 | 1.4 |
| Maryborough | 563 | 15 | 2.65 | 1080 | 13 | 1.2 |
| Totals | 4325 | 78 | 1.8 | 6574 | 137 | 2.08 |

Source: Submission No. 12

106. From the table, the level of unregistered vehicles in Southern region ranged from a low of 0.97 percent in Goondiwindi during checks in September/October 1997 to a high of 3.49 percent in Roma in April/May 1998.

Payment statistics for registration fees

107. Queensland Transport payment statistics provide information on the numbers of unregistered vehicles in Queensland. As noted above, the payment of registration fees is a pre-requisite for registration. Table 13 provides payment statistics for Queensland motor vehicle registration fees for 1997-98. From the table, payments for 1,923,613 vehicles were received by Queensland Transport on or before the due date. The remaining 643,437 vehicle registrations for 25 percent of vehicles on register that were not paid by the due date. On this basis, 25 percent of vehicles were unregistered for some period. It is unknown though whether these vehicles were driven on the road while unregistered.

Table 13: Vehicle Registration Payments, by Payment Period: Queensland 1997-98

| Payment details | Number | Proportion of total (%) |
|---|------------------|-------------------------|
| <i>Paid by the due date</i> | | |
| Before due date | 1,692,247 | 65.9 |
| On due date | 231,366 | 9.0 |
| Sub-total | 1,923,613 | 74.9 |
| <i>Unregistered due to late payment</i> | | |
| 1-7 days after due date | 335,567 | 13.1 |
| 8-14 days after due date | 107,752 | 4.2 |
| 15-30 days after due date | 117,885 | 4.6 |
| Sub-total | 561,204 | 21.9 |
| <i>Unregistered and non-CTP insured due to late payment</i> | | |
| 31-60 days after due date | 76,555 | 3.0 |
| 61-120 days after due date* | 5,015 | 0.2 |
| 121+ days after due date* | 663 | 0 |
| Sub-total | 82,233 | 3.2 |
| Total | 2,567,050 | 100.0 |

Source: Based on payment statistics compiled by Queensland Transport 1998

Note: Registrations more than 60 days overdue are cancelled administratively by Queensland Transport.

108. From the table, 3.2 percent of late registration payments (registration for 82,233 vehicles) were more than 30 days overdue - when CTP insurance cover for unregistered vehicles expires.

Unregistered vehicles detected by traffic cameras

109. Activity reports compiled by the Police Camera-Detected Offences Office document vehicles that are detected running red lights and speeding through camera sites in Queensland. Of vehicles detected between 1 July 1997 and 30 June 1998, 1.1 percent were unregistered (Submission No. 12, pp 18). This suggests that 1.1 percent of the vehicles on the road may be unregistered. However, the vehicles surveyed by traffic cameras may not be representative of the general vehicle fleet. This is because of the limited sites where traffic cameras are deployed. Speed cameras, in particular, were only deployed during the survey period at sites on state controlled road. Red light cameras are concentrated at sites in south east Queensland.

ROAD SAFETY AND ECONOMIC IMPLICATIONS OF THE DRIVING OF UNREGISTERED VEHICLES

110. As with unlicensed drivers, the driving of unregistered vehicles poses a number of road safety problems. According to police and Queensland Transport, this is because unregistered vehicles:
- may not meet the safety standards set for vehicle access to public roads;
 - do not allow for the identification of the responsible owners for vehicle management and enforcement purposes;
 - are not providing the government with revenue to maintain the state's road system; and
 - are not covered by compulsory third party insurance premiums and place an unfair burden on the Motor Accident Insurance Scheme as a result of injuries from crashes involving at fault unregistered vehicles (Submission No. 12 pp16).
111. The driving of unregistered vehicles also poses economic problems.

Road safety implications

112. The road safety implications of the driving of unregistered vehicles are the crashes they are involved in and adverse impacts on the integrity of the vehicle registration system. These costs are unknown.

Crash involvement of unregistered vehicles

113. Queensland Transport does not know how many crashes involve unregistered vehicles. As noted above, this is because police who attend crashes do not record the registration status of vehicles involved, only the registration numbers. In order to determine the crash involvement of unregistered vehicles, it is necessary to select a sample set from the crash database and cross-reference those vehicles with Queensland Transport's registration records. To date, no such analysis has been undertaken (Submission No. 12 pp 16).

Impact on the vehicle registration system

114. The driving of unregistered vehicles reduces the capability of authorities to effectively manage vehicles on the road. The costs in economic terms are incalculable.
115. Unregistered vehicles are outside the government's registration system. Consequently, the registration database may not contain records of them for enforcement purposes. This has implications for the integrity of the government's mandatory vehicle safety standards under the *Motor Vehicle Safety Act 1980*. As discussed above, evidence of compliance with these safety standards is a pre-requisite for registration.
116. The use of unregistered vehicles on the road has further implications for the *general* deterrence effect of the threat of the cancellation of vehicle registration, the most severe vehicle sanction. If people believe they will be able to drive unregistered vehicles and not be easily detected, the effectiveness of vehicle sanctions is seriously undermined.

Economic implications

117. The driving of unregistered vehicles on the road poses significant economic problems for road users in general, and for the government. These include: the burden of property damage claims against vehicle insurers and personal injury claims on the Motor Accident Insurance Scheme for injuries arising from accidents involving at-fault drivers of unregistered vehicles; the government's forfeiture of compulsory third party insurance premiums, traffic improvement fees and vehicle registration charges; and costs to Queensland Transport caused by shortfalls in projected registration revenue.
118. Queensland Transport estimates the annual forfeiture costs to the government of registration fees for unregistered vehicles is \$87.7 million (QT 1996b). Claims from accidents involving unregistered vehicles are estimated to cost the Motor Accident Commission a further \$5.3 million in 1998/99.

Forfeiture of CTP insurance premiums, registration charges and traffic improvement fees

119. A benchmarking survey report by Queensland Transport in 1996 estimates that the annual forfeiture costs of unregistered vehicles is \$87.7 million (QT 1996b). The report examined the forfeiture costs associated with unregistered vehicles. Using a median rate of 6 percent for the proportion of vehicles unregistered and a registered vehicle fleet of 2.5 million, the department calculated that \$87.7 million in revenue is forfeited annually to the Government. This amount comprises: \$40 million in CTP insurance premiums; \$40 million in registration revenue; \$7 million in traffic improvement fees; and \$0.7 million in collection fees that would have been paid to Queensland Transport by MAIC. This may be a conservative estimate given the increases in the registered vehicle fleet (now over 2.7 million) and CTP premiums since 1996.
120. The committee questioned witnesses from Queensland Transport about other economic implications of forfeited registration revenue for the department. They advised that revenue short-falls for Queensland Transport due to the non-collection of registration fees weaken the department's case to argue for funding (Transcript page 36). During 1997/98, this shortfall was \$8 million. It also delayed the department's repayment of loans to finance its \$111million Transport Registration and Integrated Licensing Systems (TRAILS) computerisation program (Transcript page 40). This program was approved by the government in 1993 on the basis that the cost would be off-set by revenue gains through improved recovery of registration fees and fines.

Personal injury claims from accidents involving unregistered vehicles

121. The MAIC's Nominal Defendant Fund meets the cost of personal injury claims on the Motor Accident Insurance Scheme arising out of traffic accidents involving unregistered and non-CTP insured vehicles. This fund comprises the proceeds of a levy on compulsory third party insurance premiums paid by vehicle owners with registration fees. In effect, claims related to accidents involving unregistered vehicles are funded by the majority of vehicle owners whose vehicles are registered.
122. MAIC estimates that personal injury claims from accidents involving unregistered and uninsured vehicles will cost the fund an estimated \$5.3 million in 1998/99.

123. For the period 1 September 1994 to 30 June 1998, the Nominal Defendant received 256 claims⁴ resulting from accidents in which an uninsured vehicle was at fault. \$2,702,453 has been paid on these claims, however, the total estimated pay-out is likely to exceed \$10.7 million. Claims from uninsured vehicles represent one third of the claims received by the Nominal Defendant. In 1998/99, the Motor Accident Insurance Commission estimates that the Nominal Defendant premium pool will be \$16 million and that claims arising out of motor accidents involving at-fault, uninsured vehicles will cost the scheme \$5.3 million.
124. In evidence, MAIC officers told the committee that 8,500 claims were made against the commission in 1995/96. Of these claims, 120 were claims against the Nominal Defendant from accidents involving unregistered and non-CTP insured vehicles. The average cost of these claims was 12 percent above the average for all claims (Transcript page 15). The largest claim against the commission arising from accidents involving unregistered and uninsured vehicles was \$1.35 million in 1986. Since 1994 when the *Motor Accident Insurance Act 1994* was introduced, the highest claim has been \$0.45 million (Transcript page 16).

Property damage claims from accidents involving unregistered vehicles

125. As discussed above, driving an unregistered vehicle on the road is an offence. This provides insurance companies with grounds to deny liability for property damage claims involving unregistered vehicles that may be comprehensively insured with them (Transcript page 61). There is no equivalent of the Nominal Defendant Fund for third-party property insurance claims involving unregistered vehicles. Vehicle owners involved in these crashes are likely to encounter significant costs and difficulties identifying the unregistered vehicle owners for claims purposes.

PENALTIES FOR DRIVING UNREGISTERED VEHICLES IN QUEENSLAND

126. R.12 of the *Transport Infrastructure (Roads) Regulations 1991* provides that it is an offence to drive, or permit to be driven, an unregistered passenger vehicle. The TIN penalty ranges from \$120 for a motorcycle to \$240 for an eight cylinder light vehicles.
127. Under S.20 of the *Motor Accident Insurance Act 1994* offenders may also be penalised for the separate offence of driving or permitting a person to drive a vehicle without CTP insurance cover (this cover lapses after vehicle registration payments are 30 days overdue). Penalties for this offence, where a TIN is issued, range from \$120 to \$720 depending on the class of vehicle. The maximum penalty courts can impose in Queensland is \$6,000 (80 penalty units).
128. Under the regulations, Queensland Transport inspectors are empowered to seize number plates and registration labels from unregistered vehicles that are driven on the road. Registrations not renewed within sixty days of the renewal date are cancelled by Queensland Transport administratively.

⁴ As injured parties have three years to lodge a claim, and claims take some time to settle, the numbers of claims quoted and payments made do not represent the total claims or payments for these claim types for the accident years 1 September 1994 to 30 June 1998. Estimates quoted do not take into account claims not received.

OFFENCES AND PENALTIES FOR DRIVING UNREGISTERED VEHICLES IN OTHER JURISDICTIONS

129. Driving an unregistered vehicle on the road is an offence throughout Australia. The following section presents a brief overview of offences and penalties in other states and territories.

Australian Capital Territory

130. S.165 of the *Motor Traffic Act 1936* requires a driver to register their vehicle. The maximum penalty for not doing so is \$2000 or a TIN of \$407 under the *Motor Traffic Regulations*.

New South Wales

131. S.18 of the *Road Transport (Vehicle Registration) Act 1997* (NSW) prohibits driving of an unregistered, registrable vehicle and imposes a maximum penalty of \$2,200. The *Motor Traffic Regulations 1935* (NSW) Schedule K sets out that the TIN penalty for unregistered vehicles is \$407.

Northern Territory

132. S.33 of the *Traffic Act* (NT) provides that the maximum penalty for driving an unregistered vehicle is \$2000 or 12 months imprisonment. For heavy vehicles or where the owner of the vehicle is a company, the maximum penalty is \$10,000.

South Australia

133. S.9 of the *Motor Vehicles Act 1959* (SA) provides that the maximum penalty for driving an unregistered vehicle is \$750.

Tasmania

134. Under S.14(1) of the *Traffic Act 1925*, it is an offence to drive an unregistered vehicle. S.14(2) provides defences to prosecution such as that the offence resulted from an accident and the offence occurred a reasonable time after the accident.

135. The TIN penalties for driving an unregistered vehicle range from \$50 to \$80 depending on the type of vehicle. The maximum penalty is \$1000.

Victoria

136. S.7 of the *Road Safety Act 1986* (Vic) provides that it is an offence for a person to use or own a motor vehicle if it is unregistered. S.7(3) sets out a table of penalties for using or owning an unregistered vehicle, according to the class of vehicle and whether it is the first or subsequent offence. For example, the maximum penalty that applies for driving an unregistered motor vehicle with 2 axles is \$600 for a first offence.

Western Australia

137. S.15 of the *Road Traffic Act 1974* provides that a vehicle licence is required for all vehicles, as specified in the first schedule. There are some exceptions. S.15(3) provides it is an offence and S.15(4) imposes a maximum penalty of \$500 and a further penalty equal to the issue of a vehicle licence for 6 months.

PART 5 ~COUNTERMEASURES IN QUEENSLAND

138. Part 5 discusses the driver management and enforcement strategies used and proposed by the government to address unlicensed driving and the driving of unregistered vehicles on the road. The sections below are based on information contained in the Queensland Transport/Queensland Police Service submission (Submission No. 12 pages 19-23). These strategies comprise the following driver & vehicle management and enforcement initiatives:
- improvements to licensing and registration databases;
 - inclusive licensing provisions;
 - licensing reforms;
 - late payment reminders for clients;
 - a service for clients to change their licensing and registration address details by phone;
 - flexible payment options;
 - commencement of a national register of wrecked vehicles;
 - mobile interactive data analysis facilities for enforcement officers;
 - on-road police presence; and
 - ticketable offences for the non-return of number plates from unregistered vehicles.
139. The committee acknowledges that these strategies may contribute to reducing the number of unlicensed drivers and unregistered vehicles on the road, though, in most cases they have not been formally evaluated.

DRIVER MANAGEMENT INITIATIVES

140. To minimise the occurrence of unlicensed driving, Queensland Transport seeks to provide drivers with a flexible licensing system which is accessible and without disadvantage to all Queenslanders.

Database improvements

141. Prior to April 1999, Queensland Transport maintained separate driver licensing and vehicle registration databases. This reduced the reliability of client addresses on both systems. In April 1999, these databases were combined. In their joint submission, Queensland Transport and the Queensland Police Service state that the unified database will assist with the accuracy of customer addresses which are an integral element in the management of drivers and vehicle owners (Submission No. 12).
142. The introduction of the National Exchange of Vehicles and Driver Information System (NEVDIS) will provide Queensland Transport with on-line access to all state licence and registration data throughout Australia. This system is due to be in place in April 1999. In their joint submission, Queensland Transport and the Queensland Police Service state that NEVDIS will provide the opportunity to validate interstate driver's licences and vehicle records at a level not previously available (Submission No. 12).

Inclusive licensing provisions

143. The *Traffic Regulation 1962* provides for people who by age or driving experience are ineligible for a driver's licence or specific class of licence to be granted an exemption from the normal requirements. Applications for exemptions are carefully assessed on the merits of each individual case. Similarly, when a driver's licence is cancelled due to the accumulation of 12 or more demerit points over 3 years, they may obtain a special provisional licence for 12 months which allows them to continue driving legally. However, if the driver accumulates a further 2 demerit points in that year, the provisional licence of the repeat offender is cancelled.
144. In their joint submission, Queensland Transport and the Queensland Police Service state that these provisions remove unnecessary barriers to entry to the licensing system (Submission No. 12).

Driver licensing reforms

145. Common national licence classes were introduced in Queensland in April 1996 as part of a program of national road transport reform. For people moving interstate this reform simplifies the licensing system and compliance with Queensland requirements. In their joint submission, Queensland Transport and the Queensland Police Service state that this will assist enforcement officers dealing with interstate drivers by allowing them to ascertain quickly and accurately if they are appropriately licensed for the vehicle they are driving (ie there will be only one licence code for each type of vehicle, regardless of where the licence is issued) (Submission No. 12).
146. One of the principles of the National Driver Licensing Scheme, to be implemented in 1999, is the "one driver, one licence" policy. This requires a driver to hold only one Australian driver's licence at any time. If that licence is cancelled or suspended in any jurisdiction, the sanction applies nationally. In their joint submission, Queensland Transport and the Queensland Police Service state that this will ensure that drivers subject to licence sanctions cannot produce an alternative licence to conceal unlicensed driving offences (Submission No. 12). Provisions to give effect to the reforms are contained in the Road Transport Reform Bill 1999. At the time of writing, this Bill was before the House.

Late payment reminders for clients

147. Queensland Transport provides a written reminder notice to licensees whose licences are due to expire, and to vehicle owners who fail to renew registration by the due date. Following a successful trial by the department in 1998, Queensland Transport provides additional telephone call reminders for vehicle owners who fail to respond to reminder letters. The review of this trial found that within the four week period after the due date for vehicle registration payment, the number of payments received increased from 23% to 50% for vehicle owners reminded of their obligation by mail and telephone.
148. Queensland Transport has issued reminders to the owners of vehicles detected by speed cameras if the registration is less than 28 days overdue with 70-80 percent of people renewing the registration to avoid a further penalty (Transcript page 74). Since 12 April 1999, the department has issued TINs to these owners in lieu of reminders.

Changes of client address by phone

149. Queensland Transport allows clients to notify their changes of address by telephone. In their joint submission, Queensland Transport and the Queensland Police Service state that this improves delivery rates for registration and licence renewal notices, reminder notices and notices of cancellation and reduces unlicensed driving and the driving of unregistered vehicles (Submission No. 12).

Payment options for vehicle registration fees

150. Queensland Transport has a number of policies aimed at minimising cost barriers to driver licensing and motor vehicle registration. Queensland driver's licences cost \$11 per year, incur no additional administrative charges and are the cheapest in Australia. Drivers may obtain licences for one year costing \$11 or five years costing \$55. For vehicle registration, Queensland Transport offers concessions to seniors, community services and primary producers. Vehicle owners can pay registration fees by cheque, credit card, EFTPOS facilities at client service centres and through direct debits against credit and savings cards over the phone. In April 1999, the department introduced the option of paying annual registration fees in six monthly instalments. This incurs an administrative charge of \$11 for concession card holders and \$14 for other vehicle owners.

National register of wrecked vehicles

151. In evidence, Queensland Transport officers told the committee that a national register of wrecked vehicles will commence in 1999. They advised that this register will enable registration authorities to identify vehicles removed from the road and sold through the wrecking yard system or sold as wrecks as a result of an accident (Transcript page 37).

ENFORCEMENT INITIATIVES

Mobile Interactive Data Analysis (MINDA)

152. Researchers have repeatedly identified the need to improve the roadside technology used by police to ensure the rapid identification of drivers who are unlicensed (eg Smith, 1976; Job *et al*, 1994). Queensland Transport and the Queensland Police Service achieved this in April 1996 by introducing MINDA. In evidence, Queensland Transport told the committee that Queensland leads the world in the development of this technology.
153. MINDA provides operational police in the field with a hand-held computer linked to Queensland Transport's licensing and registration databases and outstanding warrant information. It can process inquiries with a 15 second turnaround time. MINDA units link with Queensland Transport's computer databases using mobile phone technology. This restricts their use in regional and remote areas that are not covered by mobile phone receiver networks. Previously, licensing and registration checks took police an average of 15 minutes using radio-based systems. Evaluations of MINDA show substantial reductions in average response times and a fourfold increase in the level of detection of unlicensed driving, unregistered vehicles and outstanding warrants (QT 1996a). Queensland Transport advise that MINDA costs approximately \$7,000 per unit. Running costs are \$150 per month for

Telstra data network charges and \$80 per month for system maintenance. To date, MINDA has resulted in \$3.8 million extra traffic offence revenue and \$15 million in outstanding warrant collections.

154. The department has developed larger versions of MINDA called MAVERICKS for fixed installation in patrol cars. These units are not reliant on the mobile phone system and can be used throughout the state. In addition to the MINDA functions, MAVERICK units can interrogate back-up versions of the databases on their hard drives and on CD roms. When out of mobile phone range, MAVERICK units revert automatically to the data stored on their hard drives. Other features of MAVERICKS include the ability to receive and transmit data and refresh the hard drive databases daily when the vehicle is returned to base.
155. Officers with the State Traffic Task Force use MAVERICK units to check the registration status of vehicles on the road. Queensland Police and Queensland Transport presently have 80 MINDA units and 50 MAVERICK units, with a further 200 units on order.

On-road police presence

156. Police presence on the road is an important element of traffic policing. In Queensland, it includes mobile patrols and scheduled deployment of road side enforcement operations according to the Random Roadwatch Program. A primary goal of the program is to deter road user offences and enhance road safety.
157. 154 Queensland Transport Inspectors supplement the police presence on the road. These officers are attached to Queensland Transport and deployed throughout the state. The Queensland Transport/Queensland Police Service submission states that transport inspectors now carry primary responsibility for the detection and enforcement of vehicle registration offences (Submission No. 12 pp 23). These inspectors are authorised to stop any vehicle at vehicle check points or order a moving vehicle to stop if they reasonably believe it does not comply with requirements. The inspectors are required by the department to expend 7 percent of their on-road time on the enforcement of vehicle registration requirements (Submission No.12).
158. As noted above, Transport inspectors may issue penalty infringement notices for vehicle registration and safety standards offences, but are not empowered to make breach reports resulting in a court summons for licensing offences. These offences are referred to police.

Ticketable offences for non-return of registration plates

159. During the inquiry, Queensland Transport introduced a new ticketable offence to encourage owners of vehicles with auto-cancelled registrations to surrender the vehicle number plates. The regulation establishing this offence was passed by Executive Council in November 1998. The regulation provides a penalty of \$240 for non-compliance.
160. In evidence, Queensland Transport officers told the committee that approximately 280,000 vehicle registrations are cancelled annually, 100,000 of which are registrations cancelled by the department 60 days after the payment is overdue. Of the registrations that are auto-cancelled, approximately 50,000 plates are not returned to the department annually (Transcript page 41). These plates belong to Queensland Transport. Number plates from

unregistered vehicles have been detected by police attached to other unregistered vehicles to avoid detection.

161. The department proposes to issue a letter of demand to the vehicle owner (the third notice they receive from the department) warning that the non-return of plates may result in a penalty after the registration fees are 60 days overdue (Transcript page 41). The department is yet to commence issuing these TINs. Previously, Queensland Transport sent reminder letters to vehicle owners requesting the return of the plates without a penalty threat to encourage compliance.
162. The failure of Queensland Transport to recover 50,000 sets of number plates annually from owners of vehicles with cancelled registrations concerns the committee greatly. The committee urges the department to publicise and enforce these new provisions to increase its recovery of plates.

PART 6 ~ ADDITIONAL MEASURES THE GOVERNMENT COULD TAKE

163. The committee identified ten further initiatives for the government to implement to address unlicensed driving and the driving of unregistered vehicles. These are:
- routine licence and registration checks;
 - the introduction of compulsory carriage of driver's licences requirements for open licence holders with \$120 penalties for non-compliance;
 - making some forms of unlicensed driving ticketable offences;
 - increased penalties for licensing offences;
 - expanded powers for transport inspectors;
 - optimisation of court-imposed penalties for unlicensed driving;
 - recovery of number plates from unregistered vehicles;
 - roads-side surveys of unlicensed drivers and drivers of unregistered vehicles to aid research;
 - public education about increased penalties and enforcement for unlicensed driving; and
 - new licence technologies.

ROUTINE LICENCE AND REGISTRATION CHECKS

164. As discussed above, the perceived certainty of receiving a penalty is critical to an effective legal threat. Compared to other traffic offences, motorists' perceive a low risk of apprehension for driver licensing offences in Queensland (QT, 1996a). Evidence provided by police and Queensland Transport shows that the current level of enforcement for driver licensing and vehicle registration offences is also low.
165. Within the Queensland context, the most efficient means to increase the level of enforcement of driver licensing and vehicle registration requirements is to link these activities with high intensity traffic work. Other studies of unlicensed driving have recommended routine checks at RBT operations and when vehicles are intercepted for traffic violations (Job *et al*, 1994; Watson *et al*, 1996; Staysafe, 1997). The committee agrees. The efficient implementation of this policy, however, will depend on officers in the field having access to MINDA units. These units provide real-time access to licence and registration records via the Queensland Transport mainframe computers with a fifteen second turnaround time for inquiries.
166. Even with the benefits of MINDA, requiring routine driver licence and vehicle registration checks for all drivers and vehicles apprehended during traffic enforcement and random breath testing will increase the workload of police. To offset adverse impact on the police RBT program, the committee concludes that Queensland Transport inspectors should assist police with licence and registration checks at RBT operations.
167. The committee recommends that the level of licence and registration checks at RBT sites be increased progressively to 100 percent of all vehicles and drivers intercepted. In addition, further specific licence and registration checking operations should be conducted on a random basis to create the impression that police operations are unpredictable, ubiquitous and unavoidable.

RECOMMENDATION 1

That police and Queensland Transport inspectors check compliance with driver's licensing and vehicle registration requirements for all drivers and vehicles intercepted for traffic violations and Random Breath Testing.

MINISTERIAL RESPONSIBILITY

- *Minister for Transport*
 - *Minister for Police*
-
-

RECOMMENDATION 2

That police and Queensland Transport inspectors supplement routine driver licensing and vehicle registration checks with random compliance checks of drivers and vehicles on the road.

MINISTERIAL RESPONSIBILITY

- *Minister for Transport*
 - *Minister for Police*
-
-

COMPULSORY CARRIAGE OF DRIVER'S LICENCES

168. While the police have the power to randomly check licences in Queensland, it is difficult for them to do so on a systematic basis. This is because only commercial drivers, holders of learner's permits and holders of provisional and restricted licences are required to carry their licences with them when they drive.
169. Open licence holders who comprise the majority of licensed drivers are not necessarily required to carry their licence while driving. S.39.(1) of the *Traffic Act 1949* provides that they have 48 hours to present their licence at a police station if police ask to see their licences. Police evidence to the Inquiry into Driver Licensing and Driver Training by the Travelsafe Committee of the 48th Parliament and to this inquiry suggests that this provides a means for unlicensed drivers to avoid detection by giving police the name and licence details for other drivers who are licensed. Even where driver's are required to present their licences to a police station, police told the committee that the administrative processes to verify that this occurs are no longer in place (Transcript page 73).
170. In evidence, police told the committee that the inability of police to sight drivers' licences and positively identify drivers for traffic enforcement matters results in wrongful arrests (Transcript page 68). The time spent by police verifying the identity of drivers is also inefficient and results in significant delays for police and motorists at the roadside. Police told the committee that these delays could be 30 - 60 minutes. Police officers are responsible for verifying identities for any TINs they issue that are subsequently found to contain incorrect driver details. The committee was told that police may expend four to five hours to confirm the driver details for each returned TIN (Transcript page 70). The committee suggests that this is not an efficient use of police resources.
171. Compulsory carriage of licence requirements for all drivers are common in other countries (LTSA 1996) and have been in place in NSW since 1938. Similar requirements were recently introduced in new Zealand with the passage of the *Land Transport Bill 1998*. This Bill was examined and supported by the New Zealand Parliament's Transport and Environment Committee (TEC,1999).

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172. Compulsory carriage of licence requirements for Australian jurisdictions were endorsed for inclusion in a package of national road safety initiatives by transport ministers at the May 1997 meeting of the Australian Transport Council. Under the heading *General Deterrence and Enforcement Strategies*, ministers agreed to the following action:
- Movement towards wider application of laws for compulsory carriage of licences with jurisdictions having the capacity to allow specific exemptions except in cases of learners, provisional, heavy vehicle and interstate drivers who will be required to carry their licences at all times (ATC 1997; 6)
173. Queensland Transport's *Queensland Road Safety Action Plan for 1998/99* proposes the introduction of compulsory carriage of licence provisions. This action plan was the product of extensive consultation with road safety stakeholders at the department's road safety summit held in Maroochydore on February 19, 1998.
174. The introduction of compulsory carriage of licence requirements for all drivers has been advocated by a wide range of groups to aid enforcement. These include the Federal Office of Road Safety, Queensland Transport, the Queensland Police Service, CARRS-Q, the RACQ and the Motor Trades Association of Queensland. It is also recommended by Duhs *et al*, (1997) following a comprehensive review of traffic penalties and sanctions in Queensland. In addition to the institutional support, there is strong support for compulsory licence carriage requirements amongst the Queensland public. A community survey conducted by the Federal Office of Road Safety (FORS, 1996) found that 54% of Queensland respondents already believe it is compulsory to carry their licence and 78% reported that they approve of compulsory licence carriage. These results suggest that there would be minimal public opposition to this measure (Submission No.10).
175. The committee identified that, for the vast majority of drivers, there are few likely practical impediments to drivers with open licences carrying their licences with them at all times while driving. This was based on evidence provided by Queensland Police regarding their enforcement of existing compulsory carriage requirements for commercial drivers and holders of learner's permits, restricted licences and provisional licences, and from evidence provided by New South Wales police based on over sixty years of experience in that state enforcing compulsory carriage of licence requirements for all drivers.
176. The committee is mindful that local authorities and associations representing primary producers have raised concerns in the past when compulsory carriage of licence requirements were considered by governments in Queensland and nationally by transport ministers (NRTC 1996). As a result, compulsory carriage of licence requirements did not proceed. The committee is also cognisant of the possible implications of compulsory carriage of licence requirements for emergency services and rescue personnel required to drive to incidents. These personnel include rural fire brigade volunteers, State Emergency Services volunteers and surf life savers.
177. In the wider interests of road safety, the committee concludes that compulsory carriage of licence requirements should be introduced for all drivers and classes of licences, though, with specific exemptions where practical considerations may prevent compliance in all circumstances.
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RECOMMENDATION 3

That S.39(3) of the Traffic Act 1949 be amended to require compulsory carriage of all classes of driver's licences by all drivers except drivers who during the course of their primary production occupation are required to access a roadway as part of normal on-farm activity.

Note: This exemption should apply only to activities that are directly involved in on-farm work, not normal road use.

MINISTERIAL RESPONSIBILITY

- *Minister for Transport and Main Roads*
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RECOMMENDATION 4

That amendments to S.39(3) the Traffic Act 1949 provide reasonable exemption from compulsory licence carriage requirements for persons involved in emergency services activities.

MINISTERIAL RESPONSIBILITY

- *Minister for Transport and Main Roads*
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TICKETABLE OFFENCES FOR UNLICENSED DRIVING

178. In Queensland unlicensed driving offences under S.15(1) of the *Traffic Act 1949* must proceed by complaint and summons and be heard by the Courts. This includes: instances where drivers are unlicensed because they failed to renew their licences by the due date; and drivers who deliberately drive unlicensed for the first time. Charges for driving while unlicensed, suspended or disqualified accounted for 15.7 percent of all traffic matters heard in Queensland in 1993/94 (Duhs & Schroder, 1996(a); 24). For all Traffic Act matters heard, licence offences had the second highest number of penalties in the \$200 to \$500 range after drink driving. A fine plus imprisonment resulted for 11 of the 14,538 charges heard for licence offences.
179. Considerable resources are required of police and the defendants to have these matters heard by the Courts. For police, they include resources spent preparing breach reports and other court documents, and time to attend court. These processes are also time-consuming for the Courts.
180. Queensland Transport's review of penalties and sanctions under the *Traffic Act 1949* recommended that consideration be given to introducing TINs for certain first time minor unlicensed driving offences (Duhs *et al*, 1997). The committee agrees. It considers that the passage of minor unlicensed driving offences through the Courts does not represent the best use of police and court resources, and that better outcome for road safety would be achieved if minor offences could be dealt with by police issuing a Traffic Infringement Notice. TIN penalties for these offences are already available to police in other jurisdictions.
181. In Queensland, police may issue TINs for driving contrary to licence restrictions and learner's permit conditions. The committee recommends that police discretion to deal with a wider range of unlicensed driving offences in this manner be extended to first unlicensed driving offences with no prior unlicensed driving offences during the previous five years, and all driving on expired licence offences under S.15(1) of the Act.

RECOMMENDATION 5

That driving while unlicensed offences under S. 15(1) and S.15(2) of the Traffic Act 1949 be made ticketable offences where it is a first offence with no prior unlicensed driving offences during the previous five years or where the driver's licences for the class of vehicle being driven has expired.

MINISTERIAL RESPONSIBILITY

- *Minister for Transport*
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INCREASED PENALTIES FOR LICENSING OFFENCES

182. The Federal Office of Road Safety has proposed that the penalties for unlicensed driving should be increased to significantly more than the cost of obtaining a licence (FORS 1996). This would make legal driving a more attractive alternative for some unlicensed drivers. Unlicensed drivers who had never been licensed comprise over a third (34.2 percent) of unlicensed drivers involved in fatal and hospital crashes in Queensland.
183. The committee notes that statutory maximum penalties for unlicensed driving offences in Queensland are substantial and comparable to penalties imposed for similar offences in other jurisdictions. It notes however that penalties where ticketable offences are issued for these offences in Queensland are low (\$15 for some offences) relative to the statutory maximum penalties and ticketable offence penalties in other jurisdictions.
184. The Queensland Transport/Queensland Police Service joint submission advocates that consideration be given to increasing penalties for licensing offences in line with recommendations of the 1996 review of penalties and sanctions under the *Traffic Act 1949* (Duhs *et al*, 1997). The review, however, recommends that penalties be increased to: \$30 for administrative offences; \$120 for failure to comply with conditions offences; \$180 for driving without required supervision; and \$120 for the offence of failure to produce a licence.
185. The committee generally agrees with the recommendations in Duhs *et al*(1997) with the exception of administrative offences. Administrative offences include licensees' failure to notify Queensland Transport or police of their changes of address. The committee notes the critical importance of correct address details for driver licensing records to the licensing system and traffic enforcement. Incorrect address details prevents Queensland Transport from notifying licensees before their licences expire and informing them of licence suspension due to the accumulation of demerit licence points. Drivers' failure to maintain the currency of address records also prevents police from serving court documents on them.
186. in view of these issues, the committee concludes that TIN penalties for administrative licensing offences should be increased to \$120.

RECOMMENDATION 6

That penalties for licensing offences where Traffic Infringement notices are issued be increased to: \$120 for administrative offences; \$120 for failure to comply with conditions offences; \$180 for driving without required supervision offences; and \$120 for failure to produce a licence.

MINISTERIAL RESPONSIBILITY

- *Minister for Transport*
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PENALTY FOR NON-COMPLIANCE WITH COMPULSORY CARRIAGE OF LICENCE REQUIREMENTS

187. As noted above, police already administer compulsory carriage of licensing requirements for commercial drivers and holders of learner's permits, provisional and restricted licences. These include offence provisions for failure to produce licences on demand. For example, failure by a taxi driver to produce his or her licence to police on demand is a ticketable offence with a penalty of \$180. After three TINs, the taxi driver is required to show cause why his licence should not be withdrawn (Transcript page 73). Drivers who aren't drivers of commercial vehicle have 48 hours to present their licences at a police station if requested by police. Failure to do so is a ticketable offence with a penalty of \$15. The committee questions the basis for such a low penalty. It concludes that ticketable offence penalties for licensing offences should reflect the costs to unlicensed driving. These costs include learner driver tuition costs, licence test fees and annual licence costs.
188. A review of penalties and sanctions under the *Traffic Act 1949* for Queensland Transport in 1996 recommended a penalty of \$120 for all 'failure to comply with conditions' offences (Duhs & Schroder 1996(a)). The committee concludes that this is an appropriate penalty for failing to present a licence for inspection on request under a compulsory carriage of licence regime where a ticketable offence notice is issued.
189. The committee urges, however, that police be instructed to use discretion when enforcing these provisions, and not fine drivers who can provide other proof of their identity.

RECOMMENDATION 7

That penalty for failure to provide any class of driver's licence for inspection be \$120 where a ticketable offence notice is issued.

MINISTERIAL RESPONSIBILITY

- *Minister for Transport*
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EXPANDED POWERS FOR TRANSPORT INSPECTORS

190. As discussed above, Queensland Transport inspectors currently detect unlicensed drivers while enforcing motor vehicle registration requirements. When this occurs, the unlicensed driving offences are documented and referred to police for investigation. The joint Queensland Transport/Queensland Police Service submission states that this arrangement may lead to the detection but subsequent lack of enforcement for some unlicensed driving offences (Submission 12 pp23).
191. In evidence, police told the committee that transport inspectors are not equipped to deal with unlicensed driving offenders as they have no powers of arrest and no authority to pursue offenders (Transcript page). The committee acknowledges this, however, notes the inherent inefficiencies in having two agencies expend resources on the same matters.
192. In view of these issues, the joint Queensland Transport/Queensland Police Service submission recommends that transport inspectors be authorised to prepare breach reports if they detect unlicensed driving offences. The committee agrees.

RECOMMENDATION 8

That Queensland Transport inspectors be authorised to prepare traffic breach reports for unlicensed driving offences that they detect.

MINISTERIAL RESPONSIBILITY

- *Minister for Transport*
 - *Minister for Police*
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OPTIMISATION OF COURT IMPOSED PENALTIES FOR UNLICENSED DRIVING

193. The Courts provide a critical role in road safety by imposing a consistent regime of penalties to persuade offenders to modify their behaviour on the road. In cognisance of this, Queensland Transport writes to the Chief Stipendiary Magistrates from time to time on matters the department considers significant (Transcript page 39).
194. Police and transport staff in New South Wales provide NSW Magistrates with information about drink driving issues and speed enforcement techniques. The committee was told that this has assisted Magistrates, and the program is successful (Transcript page 59). The joint Queensland Transport/Queensland Police Service submission states that the rationale behind ticket penalty increases and the seriousness of unlicensed driving offences should be communicated to the Magistrates Court for consideration and future decisions (Submission 12 pp26). The committee agrees.
195. The committee recommends that Queensland Transport communicate these matters regularly to Magistrates through the Chief Stipendiary Magistrate.

RECOMMENDATION 9

That Queensland Transport informs Magistrates of the rationale behind ticket penalty increases for unlicensed driving offences, the seriousness of unlicensed driving penalties and other matters that may assist them to impose penalties under the Traffic Act 1949 and the Traffic Regulations 1962 that are consistent and effective.

MINISTERIAL RESPONSIBILITY

- *Minister for Transport*
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RECOVERY OF NUMBER PLATES FROM UNREGISTERED VEHICLES

196. As discussed above, Queensland Transport officers told the committee in evidence that approximately 280,000 vehicle registrations are cancelled annually (Transcript page 41). 100,000 of these cancellations are by the department where registration payments are 60 days overdue. Of these registrations, the officers told the committee that approximately 50,000 vehicle number plates are not recovered by the department annually.

197. The committee suggests that, potentially, this allows 50,000 additional unregistered vehicles to be driven on the road virtually undetected each year. Unregistered vehicles with number plates are more difficult for police and transport inspectors to detect on the road than unregistered vehicles without plates. There is also the potential for plates to be used on other unregistered vehicles. The plates belong to the Government and greater effort should be taken by Queensland Transport to recover them when registrations are cancelled administratively.

198. The committee recommends that the recovery of number plates be made a priority activity for Queensland Transport inspectors to reduce opportunities for the use of unregistered vehicles on the road. The committee notes that this will have implications for vehicle restorers who have a legitimate interest in the retention of original number plate for future use. The committee, therefore, urges that Queensland Transport consult with groups representing vehicle restorers to identify arrangements to accommodate their interests while ensuring that number plates of vehicles undergoing restoration are not used on unregistered vehicles driven on the road.

RECOMMENDATION 10

That the recovery of number plates from unregistered vehicles be made a priority activity for Queensland Transport inspectors to reduce the use of unregistered vehicles on the road.

MINISTERIAL RESPONSIBILITY

- *Minister for Transport*
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ROAD-SIDE SURVEYS OF UNLICENSED DRIVING AND THE DRIVING OF UNREGISTERED VEHICLES

199. As discussed above, there is limited information available to show the true extent of unlicensed driving and the motivation of offenders. There is even less information about the driving of unregistered vehicles.. Effective solutions to a problem are difficult to implement when only the symptoms, not the causes, is know. Queensland Transport's review of penalties and sanctions concludes that the incidence of unlicensed driving need to be monitored to provide feedback on any changes made in the overall system of driver management such as the imposition of licence sanctions (Duhs & Schroder, 1996(a);37).
200. CARRS-Q advocates roadside surveys to gauge the extent of unlicensed driving in the community (Submission No. 10). In evidence, CARRS-Q staff outlined a methodology for these surveys using MINDA units to check license records of vehicles selected at random by police (Transcript page 7). This survey work could be conducted by police as part of normal traffic enforcement activities (Transcript page 8). CARRS-Q submits this would be a valuable exercise since it would:
- indicate the overall level of unlicensed driving at different times and places, as well as the prevalence among different types of unlicensed driving;
 - provide a baseline measure which could be compared with the results of subsequent surveys, in order to evaluate the effectiveness of unlicensed driving countermeasures; and
 - assist in interpreting from the crash data whether unlicensed drivers are actually over-involved or under-involved in different types of crashes, thereby improving the reliability of this surrogate measure (Submission No.10, pp22).
201. CARRS-Q also suggest that the arguments in favour of road side surveys for unlicensed driving apply to unregistered vehicle use and similar road-side surveys. The committee agrees.

RECOMMENDATION 11

That Queensland Transport funds road-side surveys of unlicensed driving and the driving of unregistered vehicles in Queensland.

MINISTERIAL RESPONSIBILITY

- *Minister for Transport*
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COMMUNICATION AND EDUCATION

202. Job *et al* (1994) argues against the use of mass media publicity to target unlicensed driving. This is on the basis that mass media campaigns may increase awareness amongst offenders of the low risk of detection. Other researchers support its use in conjunction with enhanced enforcement (Elliot,1992). In RBT, it has proven to be a highly effective tool to heighten the impact of operations, contributing to their deterrent impact (Hommel,1988).
203. CARRS-Q suggests that mass media publicity should only be considered if real improvements are made in the probability of detection such as routine licence checks. The committee agrees.

RECOMMENDATION 12

That Queensland Transport conduct a mass media campaign to support strategies to substantially increase the risk of detection of unlicensed drivers and drivers of unregistered vehicles. Mass media campaigns should not be used unless substantial and visible improvements in the detection of offenders are in place.

MINISTERIAL RESPONSIBILITY

- *Minister for Transport*
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NEW LICENCE TECHNOLOGIES

204. The Queensland Transport/Queensland Police Service joint submission discusses the role of electronic licensing technology in enhancing the integrity of the driver licensing systems and reducing licensing offences (Submission No.12). The submission discussed two systems: digitised licences and 'smart card' licences. Both technologies offer improved security for licence holders and enforcement efficiencies for police.
205. Digitised licensing uses the location of facial reference points from digital images of the driver as identification. In evidence, Queensland Transport told the committee that this technology is available for use with driver licensing, offers enhanced security and reduces licence fraud.
206. A more innovative alternative technology is the smart card licence. A smart card licence system called *Kittelock* developed by Dr Fred Goldberg of Card Safety Systems AB, Sweden is currently being trialed by the Swedish National Road Administration (Submission No.10). Dr Goldberg provided a comprehensive submission to the committee about the technology. Among the features of *Kittelock*, Dr Goldberg states that it could prevent unlicensed driving and drunk driving (Submission No.2). The card works with card readers installed in vehicles in place of door, boot and ignition locks. These electronic locks are opened by swiping the card. Dr Goldberg's system is being examined by European and North American transport agencies.
207. Smart card licence technology offers more benefits to licensing authorities and drivers than digital licences, but its introduction would require major changes by vehicle manufacturers and commitment to the technology by Australian and international governments.
208. In evidence, Queensland Transport told the committee that there is no agreement between licensing authorities regarding the implementation or trial of smart card licensing technology in Australia.
209. The committee urges that Queensland Transport monitor developments in smart card technologies with a view to possible application to driver licensing in Queensland in the future.

PART 7 ~ ISSUES FOR FURTHER RESEARCH

210. The committee identified the following issues and aspects of unlicensed driving and the driving of unregistered vehicles that warrant further research.

Unregistered vehicles

211. The committee was limited in its work on unregistered vehicles by the lack of statistics to show the extent of the driving of unregistered vehicles on the road and characteristics of crashes in which they were involved. Police accident reports do not record the registration status of vehicles in crashes. To examine the crash involvement of unregistered vehicles requires a check of registration status for each vehicle involved in a subset of crashes. The Queensland Transport/Queensland Police Service joint submission states that this has not been done (Submission No. 12). The committee suggests that this be done as a priority to provide proper understanding of the road safety implications of the driving of unregistered vehicles.

Under-aged unlicensed drivers

212. The committee noted that approximately a third of unlicensed drivers who were never licensed and who were involved in a fatal crash were aged 16 years or younger. Duhs *et al* (1997) highlights problems experienced by police in dealing with juvenile offenders who commit traffic offences. The committee was also told that unlicensed driving may be common among Aboriginal youths and youths in rural areas.

PART 8 ~ CONCLUSIONS

213. Unlicensed driving is commonplace on Australian roads. 9 percent of all road fatalities in Australia in 1992 and 1994 were from crashes involving unlicensed drivers and riders. In Queensland between 1992-1996, 6.1 percent of all drivers involved in fatal crashes were unlicensed. Unlicensed drivers are predominantly young males driving cars and motorcycles.
214. Compared to licensed drivers, unlicensed drivers are high risk drivers who are more likely to engage in high risk road use. However, unlicensed drivers are not a homogenous group and comprise various sub-groups with different crash risks. In Queensland, the unlicensed drivers most often involved in serious crashes are: those who do not possess an appropriate class of licence for the vehicle they drive (predominantly males riding motorcycles); drivers disqualified from driving or whose licences were cancelled; and drivers who had never held a driver's licence. Between 1992 and 1996, these groups comprised 59 percent of unlicensed drivers involved in serious casualty crashes in Queensland.
215. Researchers have linked the behaviour of unlicensed drivers with their perceived risk of apprehension, their access to alternative forms of transport and the attractiveness of unlawful behaviour. Other studies suggest some unlicensed drivers drive despite their perceived risk of apprehension. In Queensland, motorists perceive the risk of getting caught for unlicensed driving is less than for other traffic offences such as speeding and drink driving. Reasons cited by unlicensed drivers for their behaviour include: business and employment commitments; family or social reasons; lack of public transport; and ignorance that their licences had expired.
216. Unlicensed drivers on the road pose two serious road safety problems. These are their crash risks, and the impact of unlicensed driving generally on the driver licensing system and traffic law enforcement. The social cost of crashes in Queensland involving unlicensed drivers is estimated at \$70 million annually.
217. A range of offences and penalties for unlicensed driving in Queensland. There is a disparity between offences and penalties that apply. Some offences with minor road safety consequences such as driving on an expired licence must be dealt with by the Courts. Other offences with serious road safety consequences such as driving unaccompanied on a learners permit have very low TIN penalties. The enforcement of licensing requirements is impeded by S.39(1) of the *Traffic Act 1949*. It gives open licence holders 48 hours to present their licences to a police station for inspection if asked by police to present their licences for inspection.
218. Compared to unlicensed driving, very little is known about the driving of unregistered vehicles on the road. A state-wide survey by Queensland Transport in 1996 estimates that 4.8 percent of vehicles on the road are unregistered. The road safety cost to the government due to the on-road use of unregistered vehicles are intangible. The economic costs include to forfeiture of registration and CTP insurance premiums and costs to the Motor Accident Insurance Scheme Nominal defendant Fund. Queensland Transport estimates that \$87.7 million is forfeited annually in lost registration fees, road levies and insurance premiums. Claims arising out of accidents involving unregistered and non-CTP insured vehicles cost the government a further \$5.8 million annually based on 1998-99 estimated costs.

219. The government has a range of initiatives in place or planned for the future to address unlicensed driving and the driving of unregistered vehicles. They include: inclusive licensing provisions; flexible payment options and late payment reminders for clients; mobile data terminals for police to check motorists' licensing and registration details efficiently in the field; ticketable offence notices for the non-return of cancelled vehicle registration plates; and strategies to improve access to public transport services.
220. The committee identified other initiatives for the government to introduce. It proposes that enforcement of driver licensing and vehicle registration requirements be enhanced through routine checks of drivers and vehicles intercepted for traffic offences and RBT. Linked to this increased enforcement is the introduction of compulsory carriage of licence requirements. These requirements address the difficulties caused by S.39(1) of the *Traffic Act 1949*. The committee recommends that all drivers, with some exceptions, be required to carry their licences with them while driving. Other changes recommended by the committee include: increased penalties for driver licensing offences; making some forms of unlicensed driving ticketable offences; and the recovery of number plates from unregistered vehicles. Should the government proceed with increased penalties and enforcement for these offences, Queensland Transport should implement a public education campaign to heighten public awareness.
221. To address the lack of data about unlicensed driving, the committee urges that Queensland Transport and the Queensland Police Service conduct road side surveys of vehicles and drivers. The results from the surveys would provide a better understanding of unlicensed driving and enable the effectiveness of strategies to be monitored.
222. The committee identified a number of areas for further research. These include the involvement of unregistered vehicles in crashes, and unlicensed driving by under-aged drivers.

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EXHIBITS

Exhibit No. Description

1. Information from Queensland Transport including:

- a) Carvossa G. (1998) *Credit Management Project for Outstanding Registration Payments: Call Centre Initiatives*, Queensland Transport, unpublished report;
- b) Duhs E., Dray R. and Watson B. (1997) *Report on the Review of Penalties and Sanctions Under the Traffic Act 1949*, Queensland Transport, unpublished report;
- c) Duhs E. and Schroder P., (1996) *Analysis of Magistrates Court Data*, Queensland Transport, unpublished report;
- d) Duhs E., and Schroder P., (1996) *Review of Drivers Licence Sanctions*, Queensland Transport, unpublished report;
- e) Queensland Transport (1996) *Report on Unregistered Vehicle Benchmarking Survey*, Vehicle Management Unit, Queensland Transport, unpublished report;
- f) Hon Steve Bredhauer MLA, Minister for Transport and Main Roads, (1999) *Beattie government to clamp down on unregistered vehicles*, press release dated April 9, 1999; Queensland Transport.
- g) Vehicle and driver licensing statistics June 1998;
- h) Vehicle registration late payment statistics 1997/98;
- i) Correspondence dated 2 September 1998 from Mr W. Cooper, Acting Manager - Transport Compliance, enclosing extracts from the Land Transport and Safety Division Compliance Manual;
- j) Correspondence dated 2 November 1998 from Mr D. Fallon, Policy Officer - Driver Management, enclosing a paper, *Mobile Integrated Network Data Access (MINDA) developed by Queensland Transport*.
- k) Correspondence dated 10 November 1998 from Mr P. Blake, Executive Director-Land Transport and Safety Division, enclosing information requested by the committee at its public hearing on 4 November 1998.
- l) Correspondence dated 19 January 1999 from Ms C. da Cunha enclosing diagrams for registration and licensing renewal cycles;
- m) Correspondence dated 16 April 1999 from R. Emmerson, Manager (Policy and Research) Queensland Transport;

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2. Information provided by the Queensland Police Service including:
 - a) Traffic Camera Office - Unregistered Vehicle Report, 1 January 1998 - 30 September 1998;
 - b) Traffic Manual, Chapter 8.10 *Verbal Cautions*, and Appendix 1, *Life Endangering Offences*;
 - c) Traffic Manual, Section 15
 - d) Statistics on unlicensed/disqualified drivers detected by the Queensland Police Service 1/7/98-31/12/98;
 - e) SETONS codes - Traffic;
 3. Information provided by the Department of Justice and Attorney General including:
 - a) Department of Justice and Attorney-General, (undated) *Policy Guidelines for Prescription of Infringement Notice Offences*
 - b) Statistics for driver licensing SETONS offences
 4. Information provided by the Federal Office of Road Safety:
 - a) Statistics on the fatal crash involvement of never-licensed motorists, by urbanisation of crash location, Queensland 1992 and 1994;
 - b) Summary of outcomes from the National Road Safety Summit, Canberra, 19 September 1998;
 5. MAIC (1999) *Report on Compulsory Third Party Insurance - Increase in Premiums*, report dated 4 February 1999, Motor Accident Insurance Commission, Brisbane.
 6. MTAQ (1998) *Call for Tough Action Against Unlicensed Drivers, Vehicles*, press release dated 28 June 1998, Motor Trades Association of Queensland, Brisbane;
 7. NSW Roads and Traffic Authority, (1998) *Penalties and Disqualifications for Serious Traffic Offences*, NSW Roads and Traffic Authority, Sydney;
 8. Correspondence dated 28 July 1998 from Supt. R. Wylie, Victoria Police, to Mr R. Crawford, Federal Office of Road Safety.
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APPENDIX A — LIST OF SUBMISSIONS RECEIVED

| | |
|-------------------------|---|
| Mr Harry Johnson | Whiteside, Brisbane |
| Dr Fred Goldberg | Card Safety System AB, Sweden |
| Mr Stuart Mason | Motorcycle Riders' Association of Queensland |
| Mr Michael Bates | Clayfield, Brisbane |
| Mr Peter Tuck | Australian Driver Trainers Association, Queensland (Inc.) |
| Ms Lesley Anderson | Motor Accident Insurance Commission |
| Mr Mark Butler | Motor Trades Association of Queensland |
| Mr Stuart Salvage | NRMA limited |
| Mr Barry Watson | Centre for Accident Research and Road Safety - Queensland |
| Mr Allan Terry | The Royal Automobile Club of Queensland Limited |
| Hon Steve Bredhauer MLA | Minister for Transport and Minister for Main Roads |
| Mr Graham George | Wellington Point, Brisbane |
| Mr James Mariner | Bundamba, Ipswich |
| Mr David White | Fernvale |

APPENDIX B — WITNESSES AT PUBLIC HEARINGS

BRISBANE — Wednesday 4 November 1998

| | | |
|------------------------------------|--|--|
| Mr Barry Watson | Lecturer | Centre for Accident Research and Road Safety - Queensland |
| Professor Mary Sheehan | Director | Centre for Accident Research and Road Safety - Queensland |
| Ms Lesley Anderson | Commissioner | Motor Accident Insurance Commission |
| Mr John Hand | Assistant Commissioner | Motor Accident Insurance Commission |
| Mr Les Kilmartin | Manager | Motor Accident Insurance Commission |
| Superintendent Michael Hannigan | Nominal Defendant Officer-in-Charge | Queensland Police Service |
| Inspector Greg Wessling | State Traffic Support Branch Officer-in-Charge | Queensland Police Service |
| Inspector Peter Mansfield | Traffic Camera Office Traffic Operations | Queensland Police Service |
| Inspector Tony Lake | State Traffic Support Branch Traffic Policy | Queensland Police Service |
| Mr Paul Blake | State Traffic Support Branch Executive Director | Queensland Transport |
| Mr Roger Emmerson | Land Transport and Safety Manager (Policy & Research) | Queensland Transport |
| Mr Jim Pink | Driver Management Branch Manager | Queensland Transport |
| | Offence Management | |

BRISBANE — Monday 8 February 1999

| | | |
|------------------------------------|---|--------------------------------|
| Commander Ron Sorrenson | Traffic Services Branch | New South Wales Police Service |
| Superintendent Michael Hannigan | Officer-in-Charge State Traffic Support Branch | Queensland Police Service |

APPENDIX C

Table 4: Licence Status of Drivers and Riders Involved in Crashes in Queensland: 1992-1996

| | | SEVERITY OF CRASH | | | | | | | | | |
|--------------|--------------|-------------------|--------------|--------------|--------------|--------------|--------------|-----------------|--------------|---------------|--------------|
| LICENCE | | FATAL | | HOSPITAL | | OTHER INJURY | | PROPERTY DAMAGE | | TOTAL | |
| Status | Type | No. | % | No. | % | No. | % | No. | % | No. | % |
| Licensed | Open | 1931 | 72.9 | 18648 | 73.5 | 44513 | 76.8 | 64668 | 75.8 | 129760 | 75.8 |
| | Provisional | 335 | 12.6 | 3713 | 14.6 | 8661 | 14.9 | 13969 | 16.4 | 26678 | 15.6 |
| | Learner | 63 | 2.4 | 629 | 2.5 | 934 | 1.6 | 1183 | 1.4 | 2809 | 1.6 |
| | Restricted | 0 | 0.0 | 14 | 0.1 | 16 | 0.0 | 23 | 0.0 | 53 | 0.0 |
| Sub-total | | 2329 | 87.9 | 23004 | 90.7 | 54124 | 93.3 | 79843 | 93.6 | 159300 | 93.0 |
| Unlicensed | Expired | 14 | 0.5 | 128 | 0.5 | 154 | 0.3 | 246 | 0.3 | 542 | 0.3 |
| | Inapp.Class | 21 | 0.8 | 167 | 0.7 | 117 | 0.2 | 28 | 0.0 | 333 | 0.2 |
| | Canc., disq. | 48 | 1.8 | 301 | 1.2 | 353 | 0.6 | 466 | 0.5 | 1168 | 0.7 |
| | Never licen. | 51 | 1.9 | 437 | 1.7 | 456 | 0.8 | 739 | 0.9 | 1683 | 1.0 |
| | Other unlic. | 28 | 1.1 | 230 | 0.9 | 343 | 0.6 | 420 | 0.5 | 1021 | 0.6 |
| Sub-total | | 162 | 6.1 | 1263 | 5.0 | 1423 | 2.5 | 1899 | 2.2 | 4747 | 2.8 |
| Overseas | | 29 | 1.1 | 313 | 1.2 | 558 | 1.0 | 967 | 1.1 | 1867 | 1.1 |
| Unknown | | 129 | 4.9 | 788 | 3.1 | 1854 | 3.2 | 2607 | 3.1 | 5378 | 3.1 |
| TOTAL | | 2649 | 100.0 | 25368 | 100.0 | 57959 | 100.0 | 85316 | 100.0 | 171292 | 100.0 |

APPENDIX D

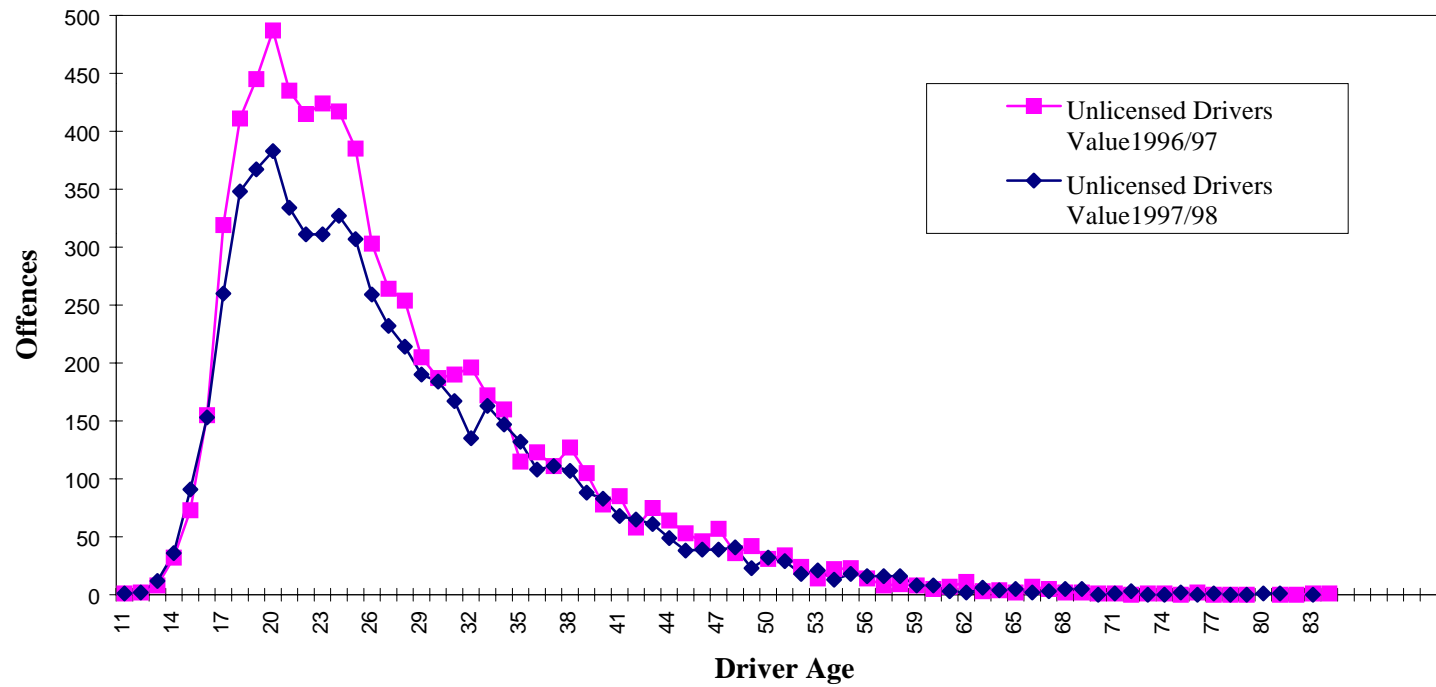
Table 5: Licence Status by Key Driver-Related and Crash Circumstance Variables for Serious Casualty Crashes: 1992-1996

| VARIABLE | DRIVER CLASSIFICATION | | Significance level |
|---|-----------------------|----------------|-------------------------------------|
| | Licensed (%) | Unlicensed (%) | |
| Gender (N=26758) | | | |
| Males | 70.1 | 84.3 | χ^2 (df1) = 130.93, $p < .001$ |
| Females | 29.9 | 15.7 | |
| Age (N=26755) | | | |
| Under 25 | 30.8 | 57.8 | χ^2 (df2) = 584.0, $p < .001$ |
| 25 - 39 | 33.8 | 33.3 | |
| 40 and over | 35.4 | 8.9 | |
| Vehicle type (N=26758) | | | |
| Car (and derivatives) | 82.4 | 67.2 | χ^2 (df2) = 619.7, $p < .001$ |
| Motorcycles | 10.1 | 30.9 | |
| Trucks and buses | 7.4 | 1.8 | |
| Day of the week (N=26758) | | | |
| Monday-Thursday | 54.7 | 44.8 | χ^2 (df2) = 69.7, $p < .001$ |
| Friday | 17.5 | 17.7 | |
| Saturday- Sunday | 27.7 | 37.5 | |
| Time of day (N=26758) | | | |
| Day (6:00am - 5:59pm) | 70.3 | 51.6 | χ^2 (df1) = 219.8, $p < .001$ |
| Night (6:00pm - 5:59am) | 29.7 | 48.4 | |
| Alcohol or drugs (N=26824) | | | |
| No | 7.5 | 22.5 | χ^2 (df1) = 566.8, $p < .001$ |
| No | 92.5 | 77.5 | |
| Exceed speed limit (N=26824) | | | |
| No | 1.1 | 3.1 | χ^2 (df1) = 64.4, $p < .001$ |
| No | 98.9 | 96.9 | |
| Excessive speed for the conditions (N=26824) | | | |
| No | 2.8 | 7.3 | χ^2 (df1) = 129.4, $p < .001$ |
| No | 97.2 | 92.7 | |

Source: Submission No.10

APPENDIX E

Figure 1: Unlicensed Driving Offences by Age of the Driver, Queensland 1 July 1996 - 30 June 1998



TRAVELSAFE COMMITTEE PUBLICATIONS

| Report | Title | Tabling date |
|--------|--|-------------------|
| 1. | Annual Report for the period 10 May 1990 to 30 June 1990 | 5 September 1990 |
| 2. | The need for some form of compulsory periodic inspections of passenger vehicles as an effective means of reducing road crashes and the severity of associated injuries, and the need to improve the standards of motor vehicle repairs as a means of improving vehicle and road safety | 4 December 1990 |
| 3. | Road Safety Education AND Traffic Law Enforcement | 4 September 1991 |
| 4. | Annual Report for the period 1 July 1990 to 30 June 1991 | 2 October 1991 |
| 5. | Bicycle Safety | 28 November 1991 |
| 6. | Achieving High Levels of Compliance with Road Safety Laws - a review of road user behaviour modification | 18 March 1992 |
| 7. | Road Environment and Traffic Engineering | 28 April 1992 |
| 8. | Annual Report for the period 1 July 1991 to 30 June 1992 | 25 August 1992 |
| 9. | Pedestrian and Cyclist Safety | 15 July 1993 |
| 10. | Annual Report for the period 1 July 1992 to 30 June 1993 | 18 November 1993 |
| 11. | The Safety and Economic Implications of Permitting Standees on Urban and Non-Urban Bus Services | 18 November 1993 |
| 12. | Local Area Traffic Management | 28 April 1994 |
| 13. | Annual Report for the period 1 July 1993 to 30 June 1994 | 27 October 1994 |
| 14. | The Desirability of Requiring Compulsory Third Party Insurance Cover for Boats and Trailers | 22 November 1994 |
| 15. | Speed Cameras: Should They Be Used in Queensland? | 24 November 1994 |
| 16. | Report on Driver Training and Licensing | 3 April 1996 |
| 17. | Annual Report for the period 1 July 1995 to 30 June 1996 | 4 September 1996 |
| 18. | Queensland's Road Toll : An Overview | 8 December 1996 |
| 19. | Queensland's Road Toll : Drink Driving (Part 1) | 8 December 1996 |
| | Issues Paper No:1: <i>Compulsory Blood Alcohol Content Testing</i> | 7 February 1997 |
| 20. | Unsecured Loads | 16 May 1997 |
| 21. | Annual Report for the period 1 July 1996 to 30 June 1997 | 18 November 1997 |
| 22. | Compulsory BAC Testing | 12 December 1997 |
| 23. | Brisbane's Citytrain Network - Part One - Safety of the Rail System and Infrastructure | 15 December 1997 |
| 24. | Brisbane's Citytrain Network - Part Two - Passenger Security | 8 May 1998 |
| 25. | Shared Bikeways | 5 June 1998 |
| | Issues paper No. 2: <i>The Road Safety Implications of Unlicensed driving and the Driving of Unregistered Vehicles in Queensland</i> | 4 September 1998 |
| 26. | Annual Report for the period 1 July 1997 to 30 June 1998 | 15 September 1998 |
| | Issues Paper No. 3: <i>Drug Driving in Queensland</i> | 12 November 1998 |
| | Issues Paper No. 4: <i>Rural Road Safety in Queensland</i> | 1 April 1999 |

Reports are available from the Committee Secretariat:

| | | | |
|-----------------|--|-------------------|--|
| Address: | Parliament House George Street BRISBANE QLD 4000 | Internet: | www.parliament.qld.gov.au |
| | | Email: | tsafe@parliament.qld.gov.au |
| | | Telephone: | (07) 3406 7908 |
| | | Fax: | (07) 3406 7262 |