

# Working with Indigenous Communities to Improve Driver Licensing Protocols and Offender Management

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## Biography

Colin Edmonston hails from Central Queensland and is a Senior Research Officer with CARRS-Q. Since joining the Centre, Colin completed a *Graduate Certificate in Road Safety* and provided research support to Queensland's School Transport Safety Task Force. More recently, Colin was involved in an independent evaluation of an enhanced enforcement campaign [Queensland Holiday Period Road Safety Trial 2001/02] and a national review of Indigenous road safety. As such, he has developed a comprehensive understanding of Indigenous research protocols and road safety concerns. Colin's primary research interests are Indigenous and rural and remote road safety.

## Abstract

A recent national investigation of Indigenous road safety in Australia conducted by CARRS-Q and ARRB Transport Ltd identified unlicensed driving as a major social and road safety problem facing this high-risk population. Unlicensed driving offences greatly contribute to Indigenous Australians being over-represented in incarceration figures by fifteen-fold. The national review highlighted a need to better understand the factors contributing to unlicensed driving among this population in order to develop and implement more effective licensing regimes and countermeasures. This paper discusses the methodology used in the "problem identification" phase of a larger four-year collaborative project aiming to increase Indigenous licensing and retention rates by improving all aspects of the licensing process – from entry into the system to offender management. The multi-faceted research design involves: (i) focus groups in 13 Queensland Indigenous communities to identify perceptions of the current licensing system and sanctions, unmet licensing needs and cultural, attitudinal and access barriers [*community perspective*]; (ii) semi-structured interviews with 50 Indigenous licensing offenders to examine factors contributing to higher incarceration rates [*offender perspective*]; and (iii) interagency focus groups to identify priority directions and establish roles to address unmet licensing needs [*government perspective*]. The paper stresses the importance of using appropriate research protocols when working with Indigenous communities and provides advice for researchers and policy-makers faced with this challenge. While not the focus of the paper, there is some discussion of the preliminary findings of the "problem identification" phase of the research and how these results will inform the continuation of the research as it moves toward intervention development and evaluation.

## 1. INTRODUCTION

Last year, the Australian Transport Safety Bureau (ATSB) commissioned the Centre for Accident Research and Road Safety – Queensland (CARRS-Q) and ARRB Transport Research Ltd to conduct a national investigation of Indigenous road safety. The review (ARRB Transport Ltd. & CARRS-Q, in press) recognised Indigenous road trauma as a major health issue and identified the primary transport needs and characteristics of road crashes involving Indigenous persons. Acknowledging the data limitations plaguing Indigenous research [eg. difficulties defining 'Aboriginality', problems estimating base populations, health and transport database inconsistencies], the report and associated recommendations focused on known risk factors such as alcohol impairment and misuse, unlicensed driving,

single-vehicle roll-over crashes, overloading and roadworthiness of vehicles, pedestrian crashes, and non-compliance with seatbelt and restraint legislation. As a priority, the review called for accessible and culturally-appropriate licensing systems for offenders and remote Indigenous populations.

### **1.1 Unlicensed driving among Indigenous Australians**

In Queensland [as at March 2000], the rate of Indigenous imprisonment was nearly 12 times that of the non-Indigenous rate and in more than half of these cases the index offence was unlicensed driving or drink driving (National Crime Prevention Branch, 2000). This phenomenon is not unique to Queensland with similar rates being reported in Western Australia (Buxton et al., 2000) and New South Wales (NSW Bureau of Crime Statistics, 1999). Licence-related offence data for Queensland Transport's Northern Region shows that *"between 1999 and 2001 the controller in almost fifty percent of serious casualty crashes involving Indigenous peoples, did not hold the appropriate drivers licence. Figures provided by the department of Corrective Services show that 75% of inmates at Lotus Glen and Stuart Correctional facilities are Indigenous and 57% of these inmates are incarcerated for licence related offences"* (Queensland Transport, personal communication, 2002). With nearly a quarter of all Indigenous Australians residing in this region (Queensland ATSI Health Partnership, 1999), it provides an ideal opportunity to trial licensing initiatives tailored for this high-risk road user group.

### **1.2 Shortcomings of current Indigenous licensing initiatives**

The high incidence of Indigenous unlicensed driving in Queensland, coupled with a lack of sentencing alternatives for offenders (Boe, 1999), has immense cost implications for the state (AIC, 1999). In response, QT conducted a five-year trial to improve road safety in remote Aboriginal and Torres Strait Islander communities. The major focus of this trial was on reducing unlicensed driving through the implementation of a number of community-based educational initiatives, including: (i) an Indigenous inmates learner licence pilot at Stuart and Lotus Glen prisons for offenders returning to community within 12 months; (ii) the Western Cape College pilot for learner licence applicants from the high-risk communities of Napranum, Aurukun, Old Mapoon, Weipa and Coen; (iii) a Yarrabah licensing pilot co-facilitated by the Community Council; (iv) a Torres Strait licensing pilot, with QPS and QT providing a visiting service to the islands; (v) the Mareeba High School pilot preparing students to sit for their learner's theory test (Powell et al., 2001); (vi) the Cherbourg learner's licence training project (McIlwraith, 2001); and (vii) the development of several Indigenous driving resources (ie. interactive CD, video and posters).

The Indigenous licensing programs currently offered by QT are recognised as being amongst the best in Australia (ARRB Transport Research Ltd & CARRS-Q, in press), along with those delivered in the Northern Territory (Somssich, 2002), Western Australia (Cercarelli et al., 2000) and more recently New South Wales (RTA, personal communication, 2002). However, they lack coordination [ie. presented in isolation from each other with no single point of access or entry] and fail to address a number of cultural, access and operational barriers shown to influence Indigenous licensing and retention rates. Some of the issues already voiced by communities include: literacy problems causing difficulty in understanding the learner's licence test; lack of knowledge of the licensing process; lack of knowledge of available resources; fear of dealing with police "bully men" to undertake the test; the high personal cost to access a testing facility, particularly in the Torres Straits; restricted access to testing facilities (ie. police stations have restricted testing times); little perceived need to obtain a licence; inconsistent enforcement of unlicensed driving; and inappropriate sentencing alternatives for offenders (Department of Premier & Cabinet, 2001; Edney & Bagaric, 2001).

### 1.3 Overview of the Indigenous licensing project

**Table 1: Proposed tasks and timeframe for the Indigenous licensing project**

2003	2004	2005	2006
<p><b>COMMUNITY PERSPECTIVE</b></p> <p>Focus groups to be held in 13 ATSI communities to identify: perceptions of the current licensing system and sanctions; unmet licensing needs; cultural, attitudinal and access barriers; and promising initiatives</p>	<p><b>DEVELOPMENT OF AN IMPROVED LICENSING PROTOCOL FOR REMOTE POPULATIONS</b></p> <ul style="list-style-type: none"> <li>▪ Critique of current licensing regimes for Indigenous and remote populations in all Australian jurisdictions</li> <li>▪ Meta-analysis of national and International Indigenous licensing/ driver education programs to develop a detailed resource list</li> <li>▪ Promising initiatives/programs prioritised by research team, project working group and Indigenous reference group</li> <li>▪ Improved licensing protocol and delivery style established and presented to communities to gauge acceptance levels</li> </ul>		<p><b>PILOTING THE NEW LICENSING SYSTEM</b></p> <p>New protocol piloted in 13 Indigenous communities</p> <p>Preliminary evaluation of pilot examining: community acceptance levels; process of implementation; and early changes to ATSI licensing rates</p> <p>Long-term evaluation framework developed</p>
<p><b>OFFENDER PERSPECTIVE</b></p> <p>Semi-structured i/views with Indigenous licensing offenders (n = 50) to examine factors contributing to higher incarceration rates</p>	<p><b>DEVELOPMENT OF A DIVERSIONARY PROGRAM FOR INDIGENOUS OFFENDERS CHARGED WITH UNLICENSED DRIVING</b></p> <ul style="list-style-type: none"> <li>▪ Examination of 'best practice' models in diversionary programs throughout Australia and overseas</li> <li>▪ Investigation of the goals, content and delivery and learning styles associated with current successful Indigenous diversionary programs</li> <li>▪ Development of an educational diversionary program for ATSI licensing offenders based on prerequisites for success identified above</li> <li>▪ Extensive negotiation with DCS and policy-makers to facilitate the introduction of the program through the legal system</li> </ul>		<p><b>PILOTING THE DIVERSIONARY PROGRAM</b></p> <p>Diversionary program piloted as a sentencing alternative in several Indigenous communities</p> <p>Preliminary evaluation of pilot examining: community acceptance levels; logistical problems with referral process; and early changes to ATSI incarceration rates</p> <p>Long-term evaluation framework developed</p>
<p><b>GOVERNMENT PERSPECTIVE</b></p> <p>Interagency focus groups to examine issues raised by communities and offenders; identify priority directions for the "intervention" phase of the research; and establish roles to address unmet licensing needs</p> <p>Ongoing liaison with the project working group and the Indigenous reference group</p>			
<p><b>Problem Identification</b></p>	<p><b>Intervention Development</b></p>		<p><b>Implementation</b></p>

The goal of the Indigenous licensing project [see Table 1] is to improve all aspects of Indigenous licensing policy and practice in Queensland – from entry into the licensing system to offender management. Based on a year-long preliminary research phase already being undertaken, the research team aims to develop and pilot: (1) an improved protocol for the delivery of pre-licence training and licence testing in rural and remote Indigenous communities, which could be trialed in other Australian jurisdictions; and (2) Australia's first educational diversionary program for Indigenous persons convicted of a licensing offence.

The “problem identification” phase of the research is being funded by the industry partner and will be completed prior to 2004. The research team is requesting additional financial support from the ARC to undertake the “intervention development” and “implementation” phases of the research.

## **2. METHOD: PROBLEM IDENTIFICATION PHASE**

The “problem identification” research phase involves: (i) a series of issue-based focus groups in 13 Indigenous communities throughout Queensland [*community perspective*]; (ii) semi-structured interviews with Indigenous persons ( $n = 50$ ) serving sentences for driver licensing offences in Queensland prisons [*offender perspective*]; and (iii) a series of interagency forums/focus groups with key Indigenous and non-Indigenous stakeholder groups (including Aboriginal Coordinating Council, Island Coordinating Council, Cape York Partnerships, Department of Aboriginal and Torres Strait Islander Policy, Department of Corrective Services, Department of Justice and Attorney-General, QT, Queensland Police Service – Cultural Advisory Unit, Queensland Health, Education Queensland and TAFE) [*government perspective*]. These complementary and innovative data collection methods will identify the cultural, attitudinal, access and operational factors shown to impact on Indigenous licensing rates.

### **2.1 Adherence to Indigenous research protocols**

Focus groups have already been conducted in eleven Indigenous communities throughout Queensland including: Kowanyama; Pormpuraaw; Hopevale; Wujal Wujal; Napranum; Old Mapoon; Doomadgee; Mornington Island; Badu Island; Darnley Island; and Thursday Island. Focus groups were chosen for community consultations as they are a “non-intrusive” methodology, don't rely heavily on literacy, and are akin to the Indigenous concept of research – “a two-way exchange exercise”, rather than the traditional Western research practice of “intensive direct questioning” (Memmott, 2002). Each focus group was co-facilitated by a CARRS-Q researcher and an Indigenous road safety officer from QT and rigorous communication protocols were followed prior to entering each community. Firstly, approval and support was sought from, and granted by, both the Aboriginal Coordinating Council (ACC) and the Island Coordinating Council (ICC). Secondly, informed consent was gained well in advance from each community before proposed visits, with reminder calls leading up to visits. Thirdly, the researchers have been careful to acknowledge community ownership of the data and have circulated the outcomes of individual discussions back for community comment prior to public dissemination.

The research team's commitment to Indigenous research protocols will maximise the validity of the research and community ownership of subsequent outcomes (Dunne, 2000). The feedback from the ACC, ICC and the communities already visited has been extremely positive. So much so, that three communities not identified in the original proposal (ie. Napranum, Old Mapoon and Darnley Island) requested to be involved after discussions with other community leaders. These requests were welcomed and subsequently followed-up. Focus groups in the Indigenous communities of Woorabinda and Cherbourg are also planned for the near future.

## 2.2 Process lessons learned

- The traditional owners of an area must be acknowledged prior to any discussions.
- Involvement of Indigenous people in the research process (who are fluent in traditional languages) greatly increases the quality of the data and participation. It also serves to overcome language barriers and increases the researchers' understanding of what is being said.
- Community fliers do raise awareness and interest, but the CEO is not always the most appropriate person to muster involvement. Involvement of the community council and justice groups is paramount and council members and CDEP managers make good co-facilitators.
- Post-meeting contact/discussions often provide the best data. Researchers should spend an additional day in communities, thus allowing the community time to digest and discuss in familial and tribal circles the issues of concern, and then identify an appropriate person to share these with the researcher.
- Research should never be conducted on a pay day as alcohol and other drugs remain a major problem for Indigenous communities.

## 3. PRELIMINARY RESULTS

**Table 2: Key themes/issues raised in community focus groups**

<b>Realisation issues and the perceived need to gain a licence</b>
<ul style="list-style-type: none"> <li>▪ Communities are aware of the need to be licensed to be able to legally drive/ride.</li> <li>▪ Perceived need and willingness to gain a licence is dependent upon:               <ul style="list-style-type: none"> <li>• the driving environment (road conditions, signage);</li> <li>• the presence of enforcement (police with powers of arrest);</li> <li>• likelihood of driving outside the community; and</li> <li>• access and availability of resources.</li> </ul> </li> <li>▪ Increased signage would facilitate attitude improvements and increase willingness to be involved in the licensing process (potential to explore the possibility of this as a CDEP initiative with MR support).</li> </ul>
<b>Issues pertaining to learner's licence training and testing</b>
<ul style="list-style-type: none"> <li>▪ Continued fear of dealing with "bully men" to undertake the test (would much prefer an Indigenous officer or community police). Fear stems from negative early dealings with police and past suppression.</li> <li>▪ Literacy problems continue to cause comprehension difficulties. Call for test to be administered by someone fluent in local traditional languages and should be more pictorial to suit Indigenous learning styles.</li> <li>▪ Many of the written questions are about city concepts (traffic lights, roundabouts). Therefore, there is a need for more visual aids like the CD to teach students about urban driving issues. Community awareness of the CD and other QT resources was extremely low.</li> <li>▪ Communities acknowledge that for people to drive in the city they do need to know additional road rules, but the focus should be on where they drive most of the time.</li> <li>▪ Support for a local driving induction (on islands), even for new contractors to the area.</li> </ul>

- To cut costs, communities support programs being introduced in mainland high schools because many islander students complete senior schooling there.
- Learner's booklets are not available in communities and uncertainty remains about who should be paying for them.
- Major access issues. Testing facilities are not always available, and when they are, it is often during restricted times. QPS cite that this is because licensing is a service provided on behalf of Queensland Transport and is not their highest priority.
- Community police can be involved in the written test process but the actual marking of the test is often done elsewhere (Torres Strait communities).
- Even if the test can be done in the community, students often have to travel to get the actual licence processed. This often does not happen due to cost.
- Western Cape College adopt a group learning approach in which students are encouraged to visualise themselves in each vehicle when learning about road rules. This program is well received.
- Proof of Identity remains a problem, but the process QT has put in place (ie. vouching of elders) has been well received. QPS staff in smaller communities (eg. Pormpuraaw) have been proactive in this area and often contact persons approaching licensing age to help them start the process of applying for a birth certificate.

#### **Issues pertaining to practical driver training and testing**

- Communities lack the infrastructure required to train and test drivers under all conditions (eg. lights, roundabouts). The concept of developing a training track in partnership with Main Roads was brought up several mainland and island communities.
- Access and cost issues (\$800 for a Darnley Island local to get a licence) and once again faced with restricted testing times and the added responsibility of organising a vehicle on Thursday Island.
- When testing services (QPS) are available the "bully men" fear remains. Involvement of Indigenous testers was supported, but assurances need to be put in place to ensure the integrity of the testing system (ie. kinship ties must be put aside when testing and testers must have the support of local councils that decisions will not have repercussions).
- Vehicles for training and testing are substandard.
- 4WD training is not accessible and required for most communities (interest in gaining tickets also).
- Transport authorities need to provide a coordinated delivery of services (eg. a week long visiting service which provides training, testing, registration, roadworthy checks and other transport functions), including road safety training for children.
- A CD or video resources for training were well received but once again there is a question of who pays.
- CDEP allowances for driver licensing are not always used (their involvement in any initiative would be paramount).
- Limited understanding and adherence to the "accompanied" rule for learner drivers while training which leads to a number of arrests (Doomadgee experience) and often serves as the index offence for recidivists.
- Many community members falsely believe that by passing the written test they are free to drive unconditionally and unrestricted.
- Potential for women to be tested by women was raised (cultural issue).
- Support for centralised clustered testing to reduce costs (eg. surrounding islands to be tested centrally on Badu Island).

- Increased education about 'riding in the back of utes' to be incorporated into the licensing process and to be built into building and construction contracts (preliminary discussions begun with Main Roads and Department of Housing).

#### **Post-licensing performance maintenance issues**

- Major issue: Widespread perception that loss of licence is always indefinite (not aware that the licence can be returned after 3-6months).
- Disqualified drivers continue to drive unlicensed and get caught often after they would be eligible to be re-licensed – multiple offences then lead to jail.
- Enforcement of unlicensed driving is inconsistent in communities (blitzes) – increased involvement of CPOs in the process and subsequent enforcement could reduce this.
- Individual communities (without sworn QPS officers) wanted databases of those disqualified and the time lengths so that this could be monitored locally.
- Education (diversion) programs as an alternative to custodial sentences were discussed and supported – need to address alcohol issues as well as licensing issues (potential for outstation programs – Kowanyama).
- Improved accessibility for licence renewal was called for (persons have to travel to renew license with photo) which is often not feasible due to cost.

#### **4. CONCLUSION**

This paper outlined an innovative research program designed to improve the delivery of driver training and licensing services in rural and remote Indigenous communities. It also: (i) provided valuable research protocol and process advice for researchers working with Indigenous communities; and (ii) cited the many cultural, attitudinal, access and operational factors deemed by communities to impact on Indigenous licensing and retention rates.

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### **Keywords**

Indigenous road safety; driver licensing; cultural research protocols