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Association



Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Bill

NZAA submission

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NEW ZEALAND

3 March 2017

SUBMISSION TO: Social Services Select Committee

REGARDING: **Children, Young Persons, and Their Families
(Oranga Tamariki) Legislation Bill**

DATE: 3 March 2017

ATTENTION: Secretariat
Social Services Select Committee

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NOTE TO REQUESTOR

The AA does wish present this submission orally.

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Background on the New Zealand Automobile Association

The NZAA is an incorporated society with 1.5 million Members. Originally founded in 1903 as an automobile users advocacy group today it represents the interests of road users who collectively pay over \$2 billion in taxes each year through fuel excise, road user charges, registration fees, ACC levies, and GST. The NZAA's advocacy and policy work mainly focuses on protecting the freedom of choice and rights of motorists, keeping the cost of motoring fair and reasonable, and enhancing the safety of all road users.

Content of this Submission

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Executive Summary

The AA strongly supports the Bill's provisions to:

- increase the youth justice age to 17, and indeed for traffic offences subject to fines alone, this could be increased to age 19; and.
- manage youth traffic offences through the more flexible youth justice system.

Further the AA strongly recommends that the Committee consider including in the Bill provision that caregivers be trained and resourced to guide a young person through the driver licence process. From our experience in working with young drivers, and our research into youth traffic offending, we consider that there is a very strong case to provide additional resources targeting reduced reoffending, particularly for minor traffic offences, whereby;

- youth committing licence breach offences are assessed for family barriers to licence progression
- Police are enabled to divert youth in care into licence training
- Police Youth Aid are resourced to effectively intervene for the changes in youth age and inclusion of traffic offences; and
- community providers of driver licence training programmes are assisted in their provision or training, and are made available nationwide.

1.0 Relevant parts of the Bill: Traffic Offences, Driver Licences

The AA makes no comment on the wider aspects of the Bill. Our comments are limited to two specific areas:

1. More effective interventions for youth who have non-imprisonable traffic offences, and specifically addressing the escalating “Justice pipeline” of traffic offending for vulnerable youth (predominantly driver licence breaches); and
2. Expressly providing in the legislation (and through the provision of additional resources) that caregivers are expected to provide for youth to progress through the driver licence process while they are in their care. There are significant negative social outcomes for youth who do not achieve a Full driver licence (steep barriers to employment, education, housing, longer stay on benefits). Under the current settings responsibility for guiding youth through the driver licence process lies with youth and their families and there is no alternative path (such as State assistance) for youth whose families are unable or unsuited to the task.

2.0 Traffic Offending and the Justice Pipeline

2.1 Traffic offending is a major path into the Justice system for youth

The AA Research Foundation (AARF) has completed three reports on traffic offending in New Zealand by youth aged 15-19. These can be found online at: <http://www.aa.co.nz/about/aa-research-foundation/programmes/youth-traffic-offences/>

These reports have benefited from input from government agencies including the Ministry of Transport, the Transport Agency, Police (including Police Youth Aid), Justice (including Collections and Corrections), Health, and ACC. The first two reports conclude that:

- traffic offending is a major entry point to the ‘Justice pipeline’ for youth aged 15-19
- nearly half of all first time youth offences in Court are traffic offences (half of which are drink driving offences over 0.03 BAC)
- for most infringement offences, the majority of youth aged 15-19 (and more so for those aged 15-17) do not pay their fines to Police and hence are referred to Collections to pursue the debt; this suggests that fines may not be an effective penalty for youth
- specifically for unlicensed driving and Learner licence breaches, over 90% of Police infringement fines are unpaid; having a Restricted or Full licence seems linked to better ability to pay, (this may reflect higher incomes or better family circumstances for those on a Restricted than those with no licence or a Learner licence);
- unpaid fines lead to overhanging debts, entry to the Justice records, effects on credit records and, if money was a barrier to getting a Full licence, make the person further away, rather than closer, to being legally compliant
- a poor credit history reflects badly for employers and landlords, affecting wider social and health outcomes
- approximately 40% of youth fines being managed by Collections are commuted to alternative sentences in (adult) Court (e.g. community service). The Ministry of Justice has shown community service has worse reoffending outcomes than fines, and mix youth with adult offenders, hence the term ‘Justice pipeline’.

The final AARF report identifies a range of potential interventions that could be used to either divert youth from, or complement, existing penalties to achieve reduced reoffending. The report concludes that evidence supports the Bill's proposals to include traffic offences in the Youth Justice system (including Police Youth Aid and Youth Court); and that the age for youth offending be increased from 16.

In socialising these reports, we had the benefit of discussions with Principal Youth Court Judge Becroft, who commented that more often than not, youth appearing before him had concurrent traffic offences, and that the legislation did not enable him to hear these offences in Youth Court and deal with them at the same time as their non-traffic offending. He noted that Youth Court has a much wider range of potential interventions to address traffic offending, such as referring a young person to education or training, rather than to impose fines they were unlikely to be able to pay.

The AA therefore strongly supports the Bill's proposals to:

- raise the age for youth justice to 17; and
- include non-imprisonable traffic offences in the youth justice system (Police Youth Aid and Youth Court).

2.2 The importance of the driver licence as a qualification for employment

The AA has been keenly involved in road safety efforts to reduce road injury and death involving young drivers, a particularly high risk group. ACC evaluated its largest young driver claim costs as arising, not from more stereotypical 'boy racer' types that receive media attention, but from otherwise obedient youth, driving in breach of their licence conditions without the requisite skills, knowledge and training.

On deeper study of this group in 2012, (the Young Driver Signature Project) ACC and NZTA learned that socially and economically deprived youth, who do not have family support to help them, face significant barriers navigating the driver licence process (which has grown progressively more complex and difficult than the process most New Zealanders over 35 experienced). In New Zealand the driver licence process is a private matter, heavily reliant on family support, financial resources and knowledge of driving and dealing with administrative processes.

The new driver licence process requires youth to reach a standard of driving equivalent to 120 hours of in-car experience. It requires a supervisor who has held a Full licence for two years to accompany the Learner driver to reach the standard for the practical driving test (Restricted licence). 120 hours of dedicated time requires a committed and dedicated family or support person, as well as the vehicle and fuel costs.

The Signature Project found that for many youth driving in breach of their licence conditions, nobody in their wider circle held a Full licence and that driving unlicensed or solo on a Learner licence was a community norm for Learners and the adults surrounding them. The Young Driver Signature Project, the Auckland Co-design lab driver licence project and the Economic and fiscal evaluation by NZIER "*The driver licensing challenge*" (please see final page for links to these reports) all conclude that lack of at least a Restricted driver licence had a disproportionate impact on the ability to obtain employment, reach educational goals or meet wider family/social obligations. Indeed it was tied to negative social outcomes such as longer stay on a benefit, accrued infringement debt, accrued demerits (leading to loss of any licence) and entry to the 'Justice pipeline'.

Ignoring the wider social costs, a simple comparison of the fiscal costs of provision of welfare vs a drivers licence shows:

- one year on a benefit (around \$14,000)
- full support through the driver licence process (around \$4000).

This is clearly an issue for the youth covered in this Bill. The Bill can get the settings right to level the playing field for youth who are placed in care.

We consider that alongside this Bill, action is needed to explicitly correct a source of social inequity and achieve fiscally positive outcomes. To achieve this, the Bill would have to provide resources to caregivers. Possible approaches that could be considered could include:

- directly assisting caregivers to obtain their Full licences two years before they will need to start teaching their young persons, and providing resources for a suitable vehicle and fuel; or
- State provision of a contracted driving instruction, available at no cost to caregivers wherever they may be located.

It is our view that any person with responsibility for a young person over age 15 should be appropriately supported to help that young person through the Learner (minimum age 16), Restricted (minimum age 16 ½) and Full (minimum age 17 ½) driver licence processes. Ensuring that the caregivers are given assistance to obtain their own Full licence will have spin-off benefits for the wider family in terms of their ability to transport their charges, obtain employment and meet society's expectations 'in loco parentis' to be able to take their young persons through the driver licence process.

The Bill does not appear to envisage that driver licensing is a fundamental part of raising a child. We would strongly support explicitly ensuring that caregivers are given the obligation and resources to assist young persons to obtain this essential qualification.

3.0 Reducing reoffending

Noting that the largest numbers of offences in the justice pipeline are driver licence breaches, it is important that the Committee explicitly consider how to assist caregivers and agencies to reduce reoffending.

3.1 Caregivers

The ability for caregivers to assist a young person obtain a driver licence is particularly an issue when the young person in care commits driver licence offences. Driver licence offences are easily rectifiable by licensure; once a person has a Full driver licence they cannot breach the tight restrictions on the earlier licence stages (driving without a supervisor, without L Plates, with passengers, or at night).

It is our view that it should be an explicit requirement that any financial or family barriers to licensure be assessed and addressed in that young person's case management and that appropriate resources be made available to overcome these barriers. This would be assisted if Police were able to provide diversion for youth in care so that they did not lose their ability to gain a licence through exceeding their demerit point limit (as little as three licence offences).

3.2 Police Youth Aid and Community providers

The AARF research indicates that youth offending has substantially reduced from 2009 (a significant reversal, because prior to 2009 it was steeply increasing). We believe, but have not

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proven, that this is the result of significant efforts by NZ Police to reduce the engagement of youth with the justice system. From discussion with Police Youth Aid, we believe this Bill will stretch their resources because it:

- includes minor traffic offences (which are roughly half of all offending) doubling the number of offences they deal with; and
- increases the age of traffic offending from 16 to 17(roughly doubling the number of driver licence offences).

Police Youth Aid rely on referral to community provision of resources; these providers are usually volunteer-based and/or charities. Such providers are available only in isolated pockets. To better divert vulnerable youth out of the justice pipeline, we recommend increasing resources for both Police Youth Aid and these local community providers.

4.0 Conclusions

The AA strongly supports the Bill's provisions to:

- increase the youth justice age to 17, and indeed for traffic offences subject to fines alone, this could be increased to age 19; and
- manage youth traffic offences through the more flexible youth justice system.

Further the AA strongly recommends that the Committee consider including in the Bill provision that caregivers be trained and resourced to guide a young person through the driver licence process. From our experience in working with young drivers, and our research into youth traffic offending, we consider that there is a very strong case to provide additional resources targeting reduced reoffending, particularly for minor traffic offences, whereby;

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- Police Youth Aid are resourced to effectively intervene for the changes in youth age and inclusion of traffic offences; and
- community providers of driver licence training programmes are assisted in their provision or training, and are made available nationwide.

Links to papers referred to:

- Young Driver Signature Project
https://education.nzta.govt.nz/_data/assets/pdf_file/0011/55487/NZTA-2015-Young-Driver-Signature-Project.pdf
- Auckland Co-design lab driver licence project
<http://static1.squarespace.com/static/55ac5ee5e4b08d4c25220f4b/t/5716db60ab48de6999855a6c/1461115862206/DLExecutiveSummary> and
- Economic and fiscal evaluation by NZIER "*The driver licensing challenge*"
<https://static1.squarespace.com/static/55ac5ee5e4b08d4c25220f4b/t/5716dbe9c6fc0828c62ae2a9/1461115914944/Economic+report>