



Department of  
**Transport**

# Overseas Driver Reforms

## Summary of Public Consultation Findings



# Contents

<b>ACRONYMS / ABBREVIATIONS / TERMS .....</b>	<b>4</b>
<b>EXECUTIVE SUMMARY .....</b>	<b>5</b>
Findings .....	5
Additional themes .....	6
<b>INTRODUCTION .....</b>	<b>7</b>
<b>SCOPE OF PROPOSED CHANGES .....</b>	<b>8</b>
<b>CONSULTATION METHODOLOGY .....</b>	<b>8</b>
Distribution .....	9
Questions .....	9
<b>SURVEY RESPONSES FROM INDIVIDUALS .....</b>	<b>10</b>
Recommendation 1: A PDA failure automatically cancels a foreign licence .....	10
Understanding the concerns with Recommendation 1 .....	11
Recommendation 2: A driver's licence issued under a foreign law becomes invalid three months after the holder first arrives in WA .....	12
Permanent Arrivals .....	12
Visitors .....	13
<b>COMMENTS .....</b>	<b>14</b>
Communicating the changes .....	14
Concerns with the proposed changes .....	14
About the respondents .....	16
Overseas licence holders .....	17
<b>LIMITATIONS .....</b>	<b>19</b>
<b>SUMMARY .....</b>	<b>19</b>
<b>APPENDIX A - DRIVING ON AN OVERSEAS DRIVER'S LICENCE IN WA SURVEY .....</b>	<b>20</b>

## Acronyms / Abbreviations / Terms

Term	Description
CCC	Corruption and Crime Commission
CEO	Chief Executive Officer (Director General, DoT)
DoT	Department of Transport
Foreign law	The law of an external Territory, as defined in the <i>Interpretation Act 1901 (Commonwealth)</i> section 2B, or the law of another country
OMI	Office of Multicultural Interests
Overseas	Person driving in Australia on an overseas driver's licence
Overseas driver's licence	A licence (authorisation) issued to a person under a foreign law authorising the person to drive a motor vehicle on a road. Defined in the Regulations as a "Foreign Driving Authorisation"
PDA	Practical driving assessment; an on-road driving test undertaken to demonstrate sufficient ability to safely drive / operate a vehicle
The Regulations	<i>Road Traffic (Authorisation to Drive) Regulations 2014</i> – legislation that contains legal provisions for the recognition of overseas driver's licences
Visiting drivers	Drivers holding an overseas driver's licence visiting Australia on a temporary basis
WA	Western Australia

# Executive Summary

The findings of a co-operative investigation by the CCC and DoT into irregularities regarding the practices of private contractors performing vehicle and driving assessment functions on behalf of DoT were given in a CCC Report issued in January 2017. A by-product of this report was a recommendation from the CCC to the Minister for Transport that consideration be given to amend legislation to allow for the following provisions.

1. A PDA failure automatically cancels a foreign or interstate licence.
2. A licence issued under a foreign law becomes invalid three months after the holder first arrives in WA.

DoT undertook a state-wide consultation for a period of seven weeks to identify the public views on the proposed CCC recommendations, consisting of a publically available online survey. To allow informed participation in the survey, a detailed Consultation Paper was made available on DoT's website, providing details on the current overseas licensing system and various aspects of the overseas licensing reform.

This report describes methods and tools used while conducting the consultation and gathering data. It also provides an analysis and summary of findings that may potentially inform legislative amendments arising from the CCC recommendations. The survey was also sent to a number of Government agencies, of which four responded. These responses do not form part of this paper.

The CCC recommendation concerning cancelling driver's licences after a PDA failure was reworded to omit interstate licences as WA legislation does not allow for this. Accordingly, in the survey analysis the CCC recommendations were categorised as follows.

Recommendation 1:	A PDA failure automatically cancels a foreign licence.
Recommendation 2:	A driver's licence issued under a foreign law becomes invalid three months after the holder first arrives in WA.

## Findings

A total of 359 surveys were completed and the findings are summarised below.

### **Recommendation 1**

There was clear support for this recommendation, with 73% of respondents agreeing that it supports road safety.

### **Recommendation 2**

The most supported period for permanent visa holders to drive on their overseas licence was three months. Additionally, there was strong support for the three month period commencing from the date the permanent visa was granted, or arrival into WA, whichever is later.



For visitors to WA, 61% supported a period longer than 3 months. Twelve months is considered to be the best option when considering Visa and operational issues, as well as harmonisation with other Jurisdictions. There was also strong support for the agreed period to be a continuous period in WA.

Demographic data showed the majority of respondents have a WA driver's licence, and less than half of respondents have held an overseas driver's licence.

### **Additional themes**

The consultation process captured additional issues that were important to respondents. They are expressed by the following four themes.

1. Road safety concerns.
2. The need for crash data of overseas drivers and / or evidence of road safety concerns.
3. Consideration of periods that allow for a visitor to settle in WA, learn the road rules and obtain a WA licence.
4. The potential for changes to impact WA tourism.

# Introduction

The CCC was notified by DoT of irregularities that had been identified concerning the practices of private contractors performing vehicle and driving assessment functions on behalf of DoT, resulting in a co-operative investigation into this matter by the CCC and DoT. The findings of this investigation were given in a CCC Report issued in January 2017. A by-product of this report was a recommendation from the CCC to the Minister for Transport that consideration be given to amend legislation to allow for the following provisions.

1. A PDA failure automatically cancels a foreign or interstate licence.
2. A licence issued under a foreign law becomes invalid three months after the holder first arrives in WA.

The CCC recommendation concerning cancelling foreign or interstate driver's licences after a PDA failure was reworded as WA legislation does not allow cancellation of these licences. However, WA legislation does allow for the CEO to not recognise a foreign driving authorisation in WA, producing an effect that is similar to a cancellation. Accordingly, for the purposes of the survey analysis and this report, the CCC recommendations were categorised as follows.

Recommendation 1:	A PDA failure automatically cancels a foreign licence.
Recommendation 2:	A driver's licence issued under a foreign law becomes invalid three months after the holder first arrives in WA.

As part of the process of considering these recommendations DoT undertook a state-wide public consultation, providing an opportunity to the general public, organisations, and Government agencies to give feedback on the CCC recommendations. Respondents who disagreed with the CCC recommendations were offered an opportunity to qualify their responses.

This report will be publicly available on the DoT website. It intends to:

- describes the methods and tools used to gather data and present the consultation findings;
- communicate the findings of the consultation; and
- indicate the level of public support for the CCC recommendations.

Any impact to interstate licence holders as a result of the CCC recommendations are not considered in this report.

## Scope of Proposed Changes

Current State	Proposed Reform
<p>A person that holds a permanent visa granted under the <i>Migration Act 1958</i> cannot drive in WA on their overseas licence after three months. They must hold a WA driver's licence to continue driving in WA. The three months starts once the person takes up usual residence in WA.</p> <p>All other visitors to WA, such as temporary visa holders, can drive in WA on their overseas licence unless:</p> <ul style="list-style-type: none"> <li>• it has expired, is suspended, or for any other reason becomes ineffective under the law of the issuing country;</li> <li>• they are disqualified from holding or obtaining a driver's licence;</li> <li>• they are excluded from being authorised to drive a motor vehicle in WA; or</li> <li>• they have been issued with a WA driver's licence or a driver's licence from another Australian jurisdiction.</li> </ul>	<p>A licence issued under a foreign law becomes invalid three months after the holder first arrives in WA (regardless of the type of visa they hold).</p>
<p>When a person fails a PDA in WA, they can continue to drive on their overseas driver's licence.</p>	<p>A PDA failure automatically cancels a foreign licence.</p>

## Consultation Methodology

An online survey was made available to the general public from 20 August 2018 to 7 October 2018. A total of 359 submissions were received. To aid the consultation process, the questions were clustered into three themes.

1. Objective opinion survey on the recommendations along with free form comment fields.
2. Respondent demographic data.
3. Respondent comments on preferred mode of feedback (on survey results) and their concerns in relation to the recommendations.

A copy of the survey is provided in Appendix A.

A detailed Consultation Paper was also made publically available, providing details on the current overseas licensing system and various aspects of the overseas licensing reform to give respondents a sound understanding of all related issues to allow informed participation in the survey. An additional Discussion Paper in an easy to understand language format was made available in recognition of the potential limited comprehension of English in certain migrant groups.

The project team also offered two presentation forums / workshops to give the public an opportunity to provide their feedback in person and seek clarification from subject matter

experts where required. Participants were asked to register their interest prior to the scheduled dates. However, a lack of interest from the public resulted in cancellation of the two scheduled workshops.

## Distribution

The survey was accessible via a link on the DoT website. The public consultation was advertised through the DoT public website and a number of stakeholder agencies were invited to comment, including a number of Government agencies.

To raise community awareness, certain agencies and stakeholders were informed of the survey by email or post. Recipients included various multicultural groups, international student services (including universities), Perth Visa and Citizenship Office, and more than 2000 subscribers to the OMI weekly alert emails. A media statement was released by DoT on 14 September 2018. Media enquiries were received from both 6PR and ABC radio in relation to the policy changes.

A decision was made not to advertise the consultation on social media. This is because it was not considered to be the most suitable method to reach relevant community members and it would likely attract irrelevant commenting.

## Questions

Respondents were asked specific questions relating to the CCC recommendations. If they disagreed with the recommendations, they were asked to qualify their responses by providing comments. Respondents were also asked general questions relating to how DoT should inform people of the changes made to the overseas driver licensing laws, and were given an opportunity to raise any concerns with the proposed changes.

The following demographic information was also sought from the respondents.

- Gender.
- If they had ever held an overseas driver's licence, and if so, the issuing country.
- If they had ever driven in WA on an overseas licence and in what capacity (i.e. visitor or resident).
- If they hold a WA driver's licence.
- Their citizenship status.
- If their response was on behalf of an organisation.
- Their personal email address to keep them informed.



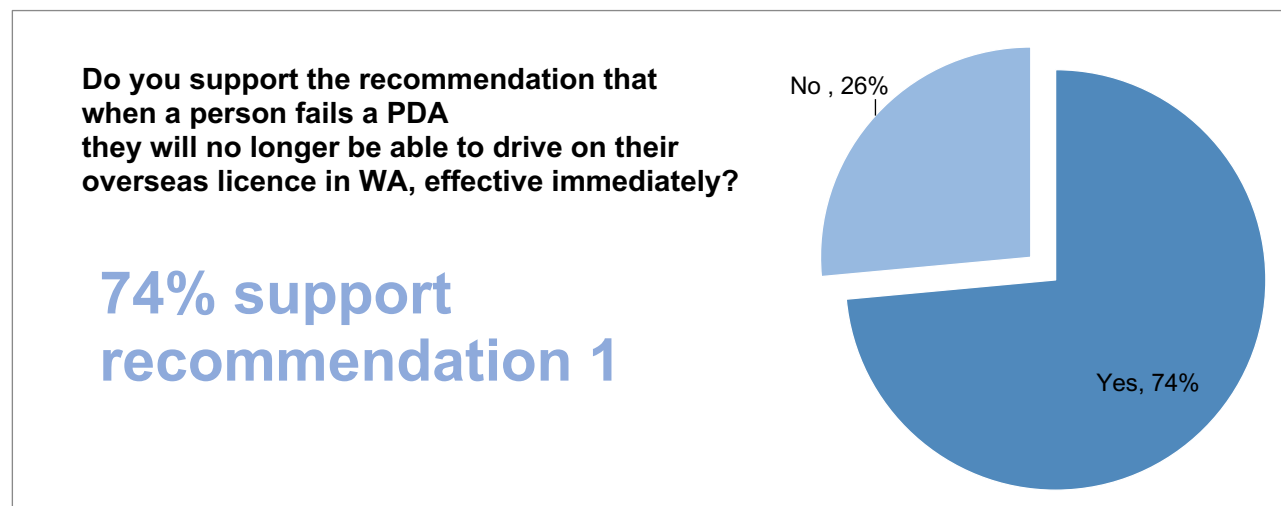
# Survey Responses from Individuals

The following provides a summary of the 359 responses received from individuals (other than Departmental responses).

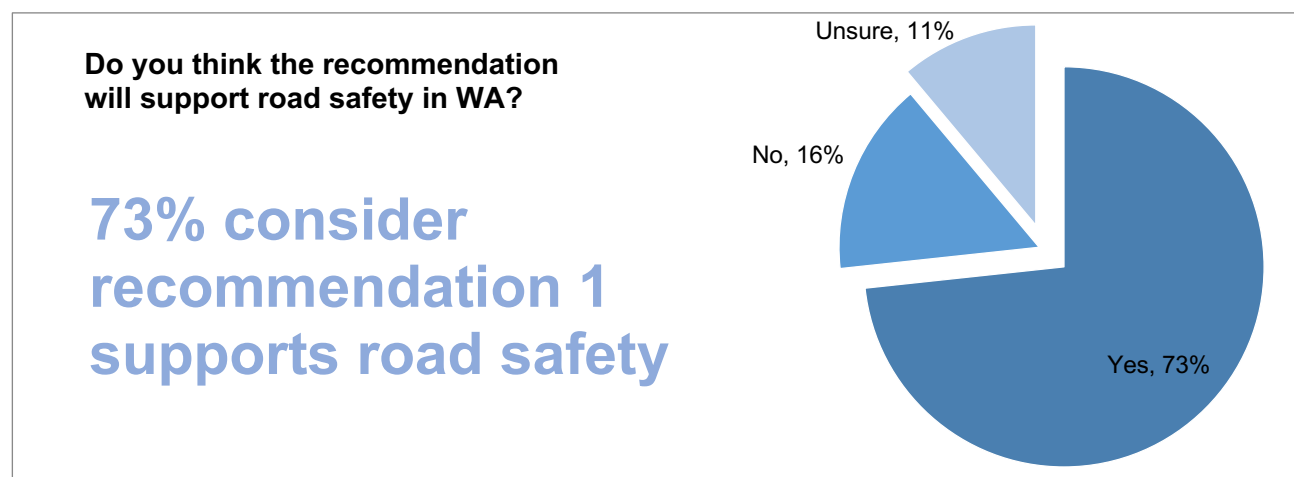
## Recommendation 1: A PDA failure automatically cancels a foreign licence

Survey respondents were asked whether they supported the CCC recommendation that prevents a person from driving in WA on an overseas licence once the person fails a PDA.

Of the 359 responses to this question, 74 per cent supported this recommendation for WA.

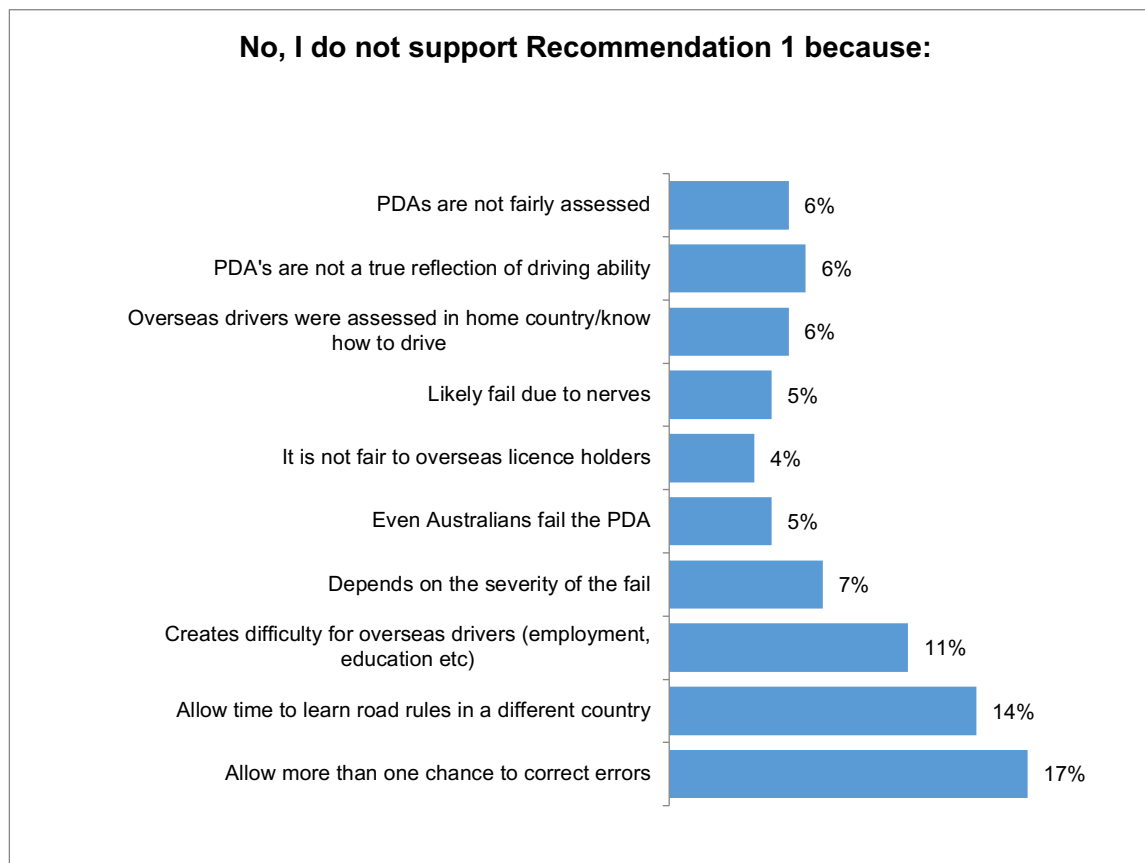


Survey respondents were asked whether this recommendation supports road safety. Of the 359 responses to this question, 73 per cent believed this recommendation would support road safety.



## Understanding the concerns with Recommendation 1

A total of 125 respondents provided a reason for not supporting Recommendation 1. The graph below indicates those concerns that were shared by at least five people. Some respondents provided multiple reasons, which were separated into different categories.



A total of 56 respondents provided a reason why Recommendation 1 did not support road safety. The graph below indicates the reasons that were shared by at least five people.



Recommendation 2: A driver's licence issued under a foreign law becomes invalid three months after the holder first arrives in WA

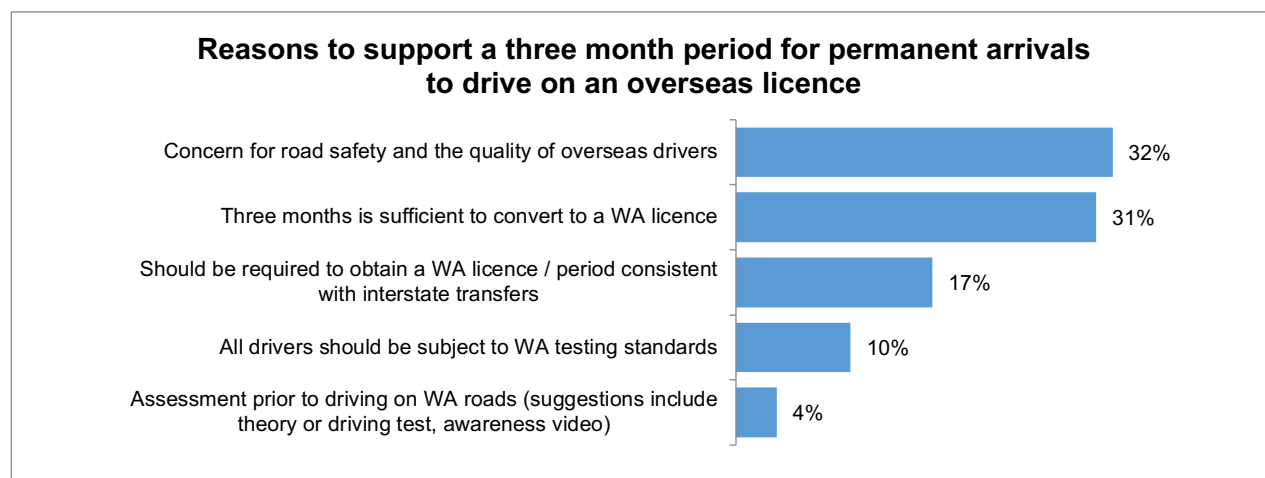
Survey respondents were asked, in separate questions, to indicate their preferred period of time that permanent arrivals and temporary visitors to WA should be allowed to drive on their overseas licence.

## Permanent Arrivals

Limiting the period to three months, as per the CCC recommendation, was the most supported option. This question received 304 responses.



The five most common reasons for supporting the three month period are given below.

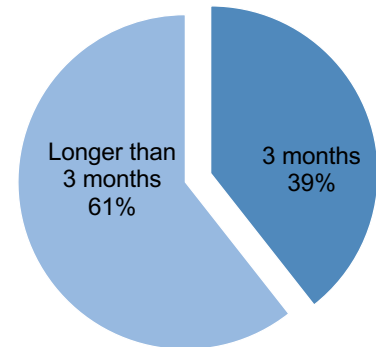


## Visitors

Although three months was the most supported option, 61 per cent of respondents selected a period longer than three months. This question received 304 responses.

**How long should temporary visitors to WA be permitted to drive on their overseas driver's licence?**

**61% selected a period longer than 3 months**

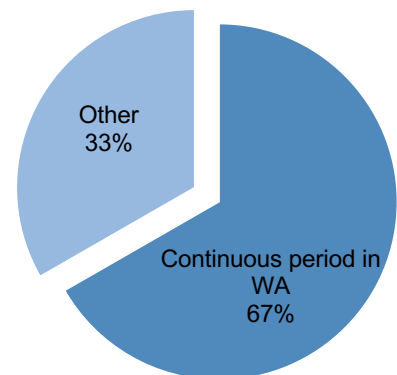


Twelve months is considered to be the best option when considering Visa and operational issues, as well as harmonisation with other jurisdictions.

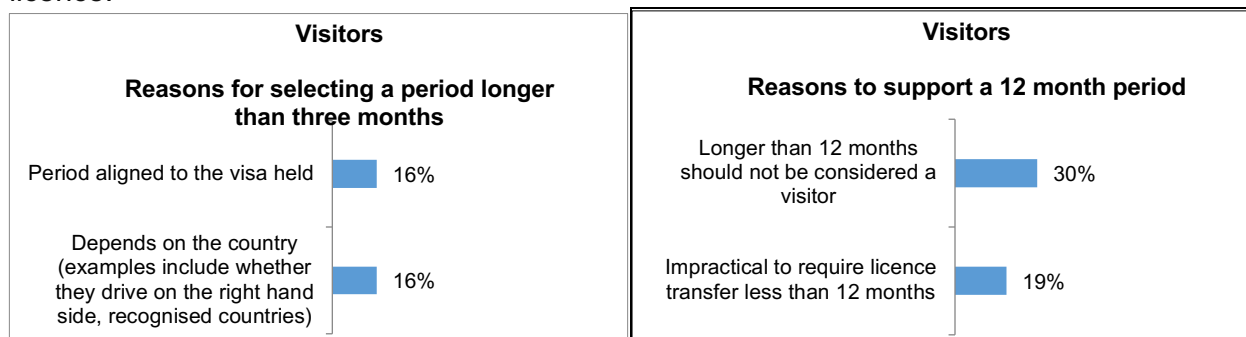
The majority of respondents (67 per cent) supported the agreed period to be a continuous period in WA.

**What should the agreed period that temporary visitors can drive on their overseas driver's licence in WA be based on?**

**67% supported a continuous period**



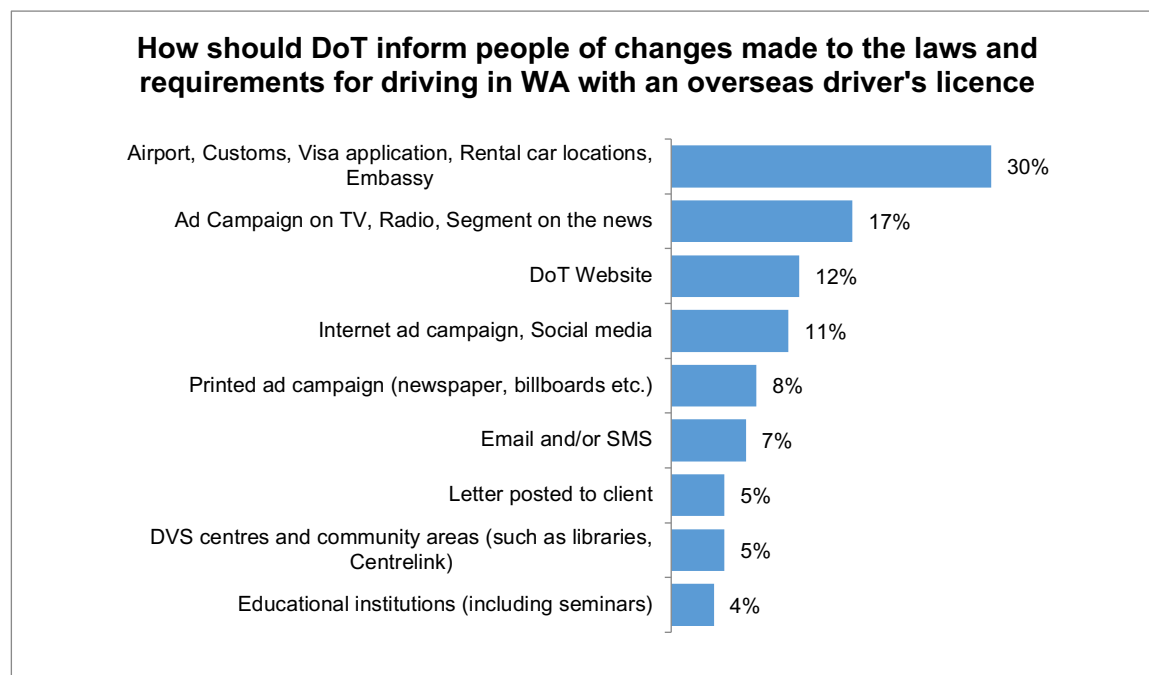
Below are the top two reasons to support a period longer than three or 12 months, for allowance of the licence of temporary visitors before they are required to obtain a WA licence.



# Comments

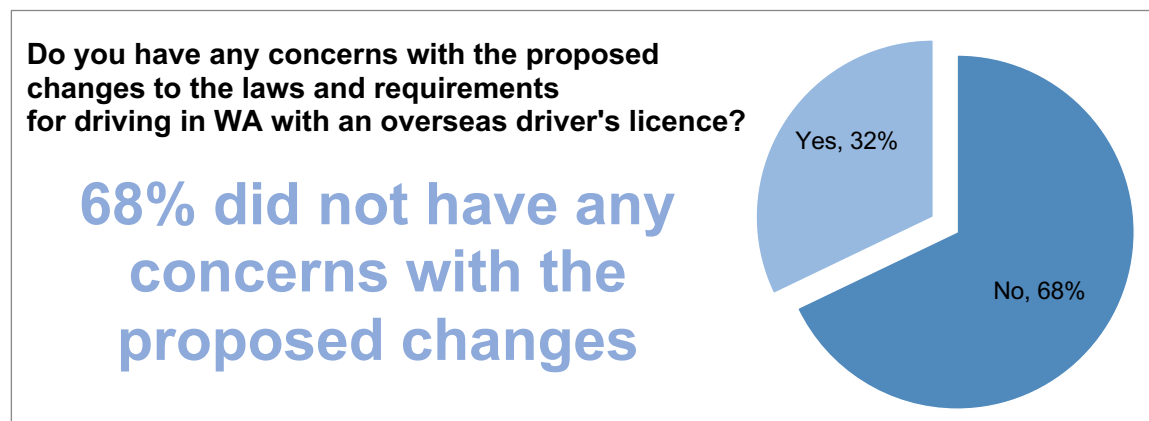
## Communicating the changes

DoT sought advice from survey respondents on how best to communicate any changes to the laws affecting overseas drivers in WA. A total of 249 people responded to this question. The following graph totals 467 comments, including multiple suggestions from individual respondents.



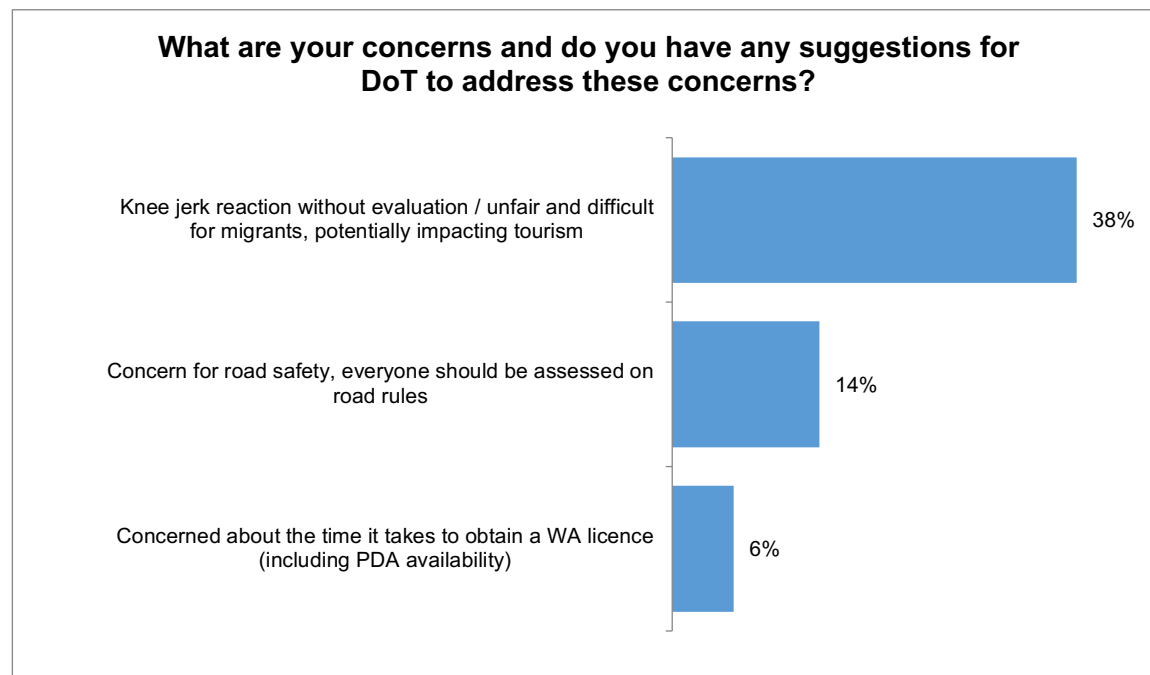
## Concerns with the proposed changes

This question received 274 responses. The majority (68 per cent) did not have any concerns with the proposed changes to overseas driving laws.

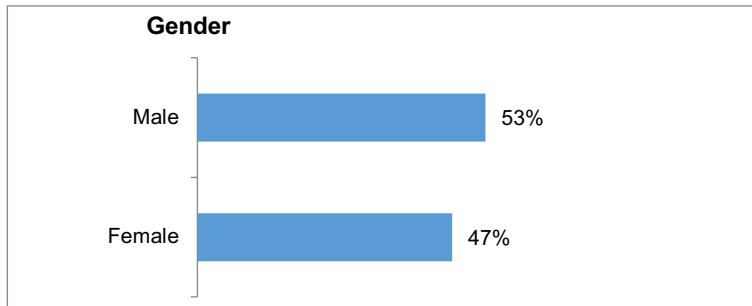




Respondents that expressed concerns with the changes were asked for further information. The following issues were identified in 58 per cent of the 88 comments received.

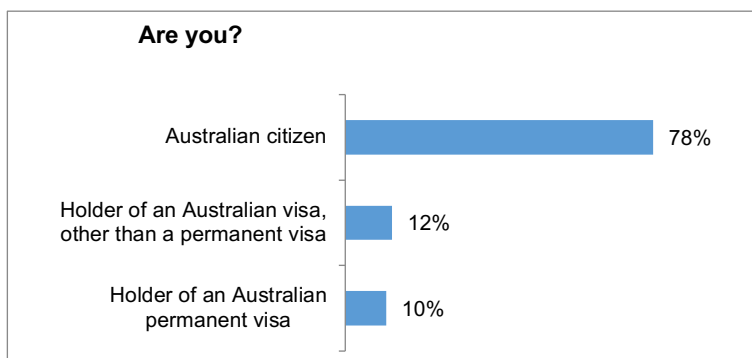


## About the respondents



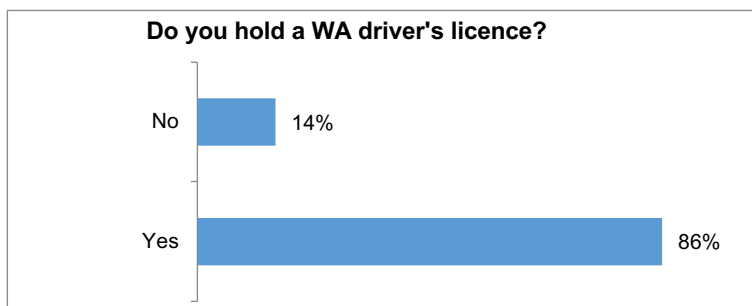
53% male,  
47% female

Based on 277 responses.



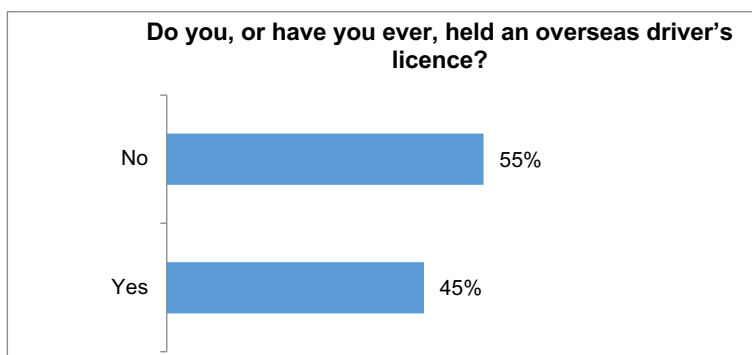
78% are  
Australian  
citizens

Based on 271 responses.



86% hold a WA  
driver's licence

Based on 271 responses.

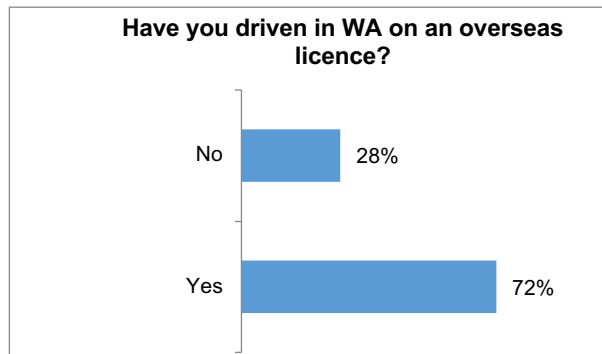


55% have never  
held an overseas  
driver's licence

Based on 279 responses.

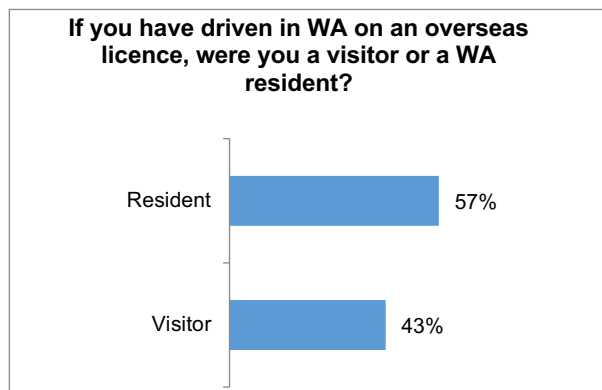
## Overseas licence holders

The following was asked of those that have held an overseas licence.



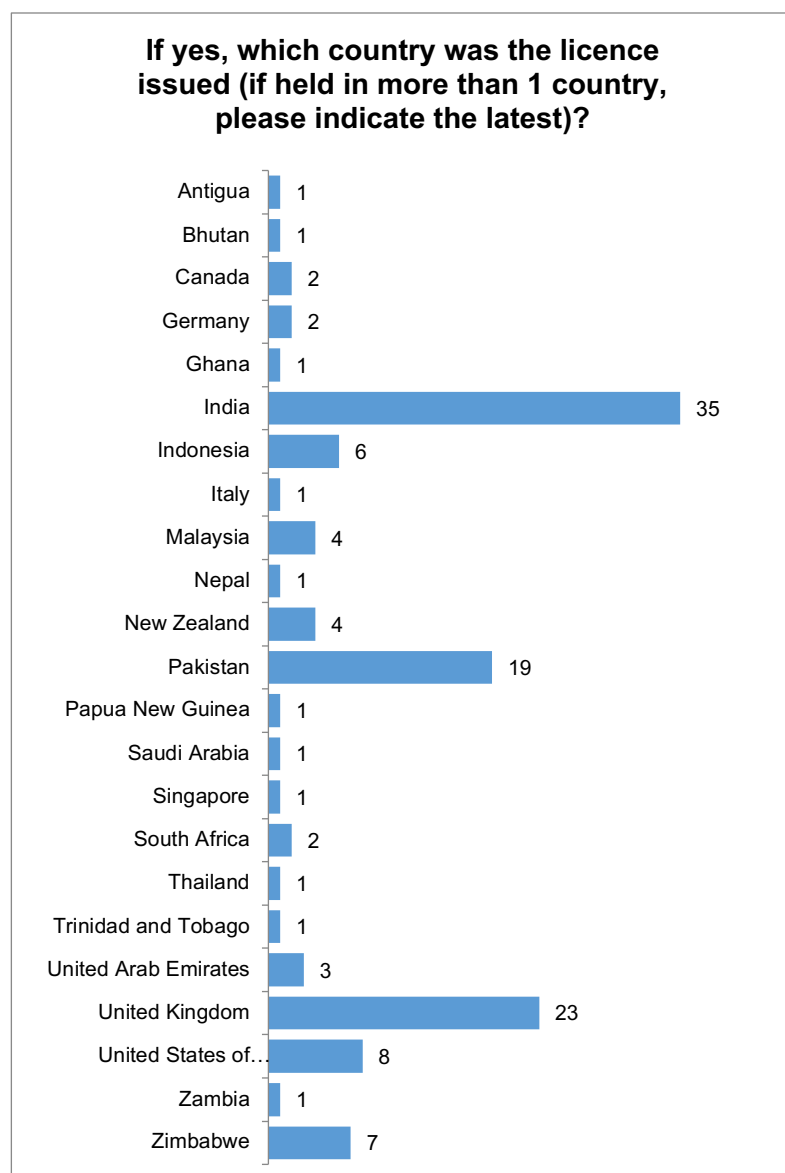
Based on 125 responses.

72% have driven in WA on an overseas licence



Based on 89 responses.

57% drove on the overseas licence while a resident



Most respondents held a licence issued in India, the UK or Pakistan

Based on 123 responses.

Note that four respondents advised the overseas country in which they held a licence was Australia, these responses were removed for accuracy against the question. Some respondents listed multiple countries, while the question asked for only the latest country of issue. A number has been recorded for each of the licences held above; therefore the number of responses and overseas licences held may not align.

## Limitations

Any analysis or conclusions made in this report may be limited by the survey response rate. The comments provided by respondents have been sorted into categories or themes, subject to DoT's interpretation and understanding of the comment.

## Summary


DoT undertook a seven week long public consultation to gauge community and stakeholder support for two CCC recommendations aimed at enhancing the provisions of the existing overseas driver licensing policy.

DoT offered an online survey and two workshop opportunities. There were a total of 359 respondents. Four key stakeholder organisations also provided their response and are considered separately to this paper.

Considering the data overall, it is evident that a high level of support exists for the reform in relation to aspects of the overseas driver licensing




## Appendix A – Driving on an overseas driver's licence in WA survey



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### Driving on an overseas driver's licence in Western Australia



#### Driving on an overseas driver's licence in WA

##### Review of overseas driver licence requirements survey

##### About this survey

The Department of Transport (DoT) is reviewing some of the laws and requirements for driving in WA with an overseas driver's licence.

These changes are a result of a co-operative investigation with the Corruption and Crime Commission initiated by the Department of Transport (DoT).

The CCC has made two recommendations that change WA road laws for overseas driver's licence holders. We would like to hear from you about your level of support for these recommendations.

This survey takes approximately 10 minutes to complete. **Survey closes 5.00 pm 30 September 2018.**

Please note we will not provide your details to third parties.



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## Driving on an overseas driver's licence in Western Australia



### Driving on an overseas driver's licence in WA

#### Recommendation 1

##### **Recommendation 1: Remove the ability to drive on an overseas driver's licence after a failed driving test**

The Corruption and Crime Commission (CCC) has made recommendations that change WA road laws for overseas driver's licence holders. One recommendation is that Practical Driving Assessment failure automatically cancels a foreign licence.

**\* 1. Do you support the recommendation that when a person fails a Practical Driving Assessment they will no longer be able to drive on their overseas licence in WA, effective immediately?**

☐ Yes

☐ No, I do not support this recommendation because:

**\* 2. Do you think the recommendation will support road safety in WA?**

☐ Yes

☐ Unsure

☐ No, because:



## Driving on an overseas driver's licence in WA

### Recommendation 2

#### **Recommendation 2: Change the length of time a person can drive on an overseas driver's licence in WA**

The second recommendation made by the CCC is that an overseas driver's licence becomes invalid three months after the holder first arrives in WA. Under the CCC recommendation it will not matter if the overseas driver's licence holder is a visitor or holds a permanent visa.

Please indicate your level of support to this recommendation by answering the following questions.

#### **\* 3. How long should a person be permitted to drive in WA on an overseas driver's licence?**

##### **For permanent arrivals to WA:**

- ☐ 3 months
- ☐ 6 months
- ☐ 12 months
- ☐ The time period should not be limited - a person should be permitted to drive in WA as long as their overseas driver's licence is current.
- ☐ Other - please specify below:

\* 4. Please provide reasons to support your response.

\* 5. For visitors (temporary) to WA?

- ☐ 3 months
- ☐ 6 months
- ☐ 12 months
- ☐ The time period should not be limited - a person should be permitted to drive in WA as long as their overseas driver's licence is current.
- ☐ Other - please specify below:

\* 6. Please provide reasons to support your response.





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## Driving on an overseas driver's licence in Western Australia



### Driving on an overseas driver's licence in WA

#### Recommendation 2 continued

#### **Recommendation 2 continued: Change the length of time a person can drive on an overseas driver's licence in WA**

**\* 7. When should the time period start for people who have moved to WA and hold a permanent visa:**

- ☐ from the date their permanent visa was granted or arrival into WA, whichever is later;
- ☐ Other - please specify below:

**\* 8. Should the period that visitors (temporary to WA) can drive on their overseas driver's licence in WA be based on:**

- ☐ a continuous period spent in WA;
- ☐ Other - please specify below:

9. Please provide any further comments to assist DoT in understanding your preferred start period.

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## Driving on an overseas driver's licence in Western Australia



### Driving on an overseas driver's licence in WA

#### Your comments

**10. How should DoT inform people of changes made to the laws and requirements for driving in WA with an overseas driver's licence?**

**11. Do you have concerns with the proposed changes to the laws and requirements for driving in WA with an overseas driver's licence?**

- ☐ No
- ☐ Yes - what are your concerns and do you have any suggestions for DoT to address these concerns?



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## Driving on an overseas driver's licence in Western Australia



### Driving on an overseas driver's licence in WA

#### About you

12. Your gender:

☐ F ☐ M ☐ X

\* 13. Do you, or have you ever, held an overseas driver's licence?

☐ Yes

☐ No



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## Driving on an overseas driver's licence in Western Australia



### Driving on an overseas driver's licence in WA

#### About you (continued)

**\* 16. If you have driven in WA on an overseas licence were you a visitor or a resident of WA?**

- ☐ Visitor
- ☐ Resident





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## Driving on an overseas driver's licence in Western Australia



### Driving on an overseas driver's licence in WA

#### About you (continued)

**\* 17. Do you hold a WA driver's licence?**

- ☐ Yes
- ☐ No

**\* 18. Are you?**

- ☐ An Australian citizen
- ☐ The holder of an Australian permanent visa
- ☐ The holder of an Australian visa, other than a permanent visa. Please specify the subclass of visa below:

**\* 19. Are you responding to the survey on behalf of an organisation or Department?**

- ☐ No
- ☐ Yes - please include the name of the organisation or department below:

**20. If you would like to be kept informed during this consultation please provide your email address:**