

L-PLATES, LOGBOOKS AND LOSING-OUT

Regulating for safety — or creating new criminals?

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The issue

In Victoria and New South Wales, young learner drivers have been required to have 120 hours supervised driving before taking their provisional licence test since July 2007.¹ Queenslanders under 25 have to show that they have completed 100 supervised hours.² Most other states require at least 50 hours' supervised driving.³ The new requirements are intended to ensure that new drivers are better prepared to drive unsupervised, but it also may be creating a new class of criminals from marginalised communities.

Magistrates and lawyers at community legal services have been seeing increasing numbers of Indigenous young people, and young people from disadvantaged and newly arrived migrant backgrounds, charged with unlicensed driving or driving on a learner's permit without an authorised supervisor. For these young people, there may be no-one in the community with a full licence with whom they can drive.

For example, Magistrate Stephanie Tonkin in Townsville has been increasingly concerned about the number of young people — Aboriginal and non-Aboriginal — coming before her prosecuted for driving without a licence. The introduction of the 100 hours requirement makes it even more difficult to ever achieve a full licence.⁴ Her colleagues in other states also point to increasing numbers of marginalised families unable to provide the supervised driving required, whose teenage children are simply driving unlicensed.

There are particular difficulties in achieving legal driving status for Indigenous communities, newly arrived migrant communities, and for groups already disadvantaged by isolation, unemployment and difficult family lives.⁵

People in indigenous communities are more likely than other groups to drive unlicensed, either having never obtained a licence or having lost their licence (for example through failure to have it renewed, or inability to convert their learner licence into a provisional licence.) There may be few registered and roadworthy cars in the community, for reasons of cost and lack of trained mechanics, and few fully licensed drivers to provide the necessary supervision for a learner driver. People in many Indigenous communities have to travel long distances to reach shops, government offices and medical care. This together with cultural obligations to participate in family gatherings, events and funerals, means that there are expectations in the communities that anyone who can drive, with or without a licence,

should assist other community members who need to be driven. In many communities the absence of public transport makes this unavoidable.⁶

A recent Australian government report identified the pressures on Indigenous community members to drive, even if unlicensed, and often for long distances on poor roads and in unreliable vehicles.⁷ The authors of the report concluded that Indigenous people have particular difficulties accessing a driver's licence, due to language barriers, low levels of literacy, and lack of access to vehicles and instruction: '[t]hese barriers to licensing generate increased risk of Indigenous people driving while unlicensed and this offence is one of those most often charged by police.'⁸

Recent research for the NSW Road Traffic Authority ('RTA') found that 'in most [Indigenous] communities unlicensed driving was considered the norm', and was in fact 'a necessity'.⁹ The research pointed out that the cost of licence testing and renewals makes it difficult for young Indigenous people to afford the process themselves and also makes it difficult to find a licensed driver to supervise them. The cost of professional lessons was simply beyond their reach. The new requirements for logged hours of supervised driving were seen by the researchers as making it even more difficult for Indigenous people to afford a licence, given the limited access to licensed drivers and appropriate registered vehicles, and the fact that any licensed drivers in the community were likely to be employed and therefore with limited time to help learners.

The RTA report found that the most common problems for learner drivers were identified as being 'the licensed driver helping often didn't have time to help me go driving' (33 per cent); 'sometimes I couldn't find a licensed driver to teach/help me' (27 per cent); and 'I couldn't afford a driving instructor' (23 per cent).¹⁰

In Victoria, community legal services have also noted the increased number of newly arrived migrants charged with unlicensed driving or driving on a learner's permit without an authorised supervisor. The African Legal Service, established by the Footscray Community Legal Centre in Melbourne's inner northern suburbs in May 2007, identified driving without a licence as one of the common legal problems encountered by refugees and humanitarian arrivals from Africa.¹¹ Driving offences were twice as common for African Legal Service clients as for the clients of the 'generalist' service at Footscray Community Legal Centre. The research for the African Legal Service suggested that factors in unlicensed driving

REFERENCES

1. *Road Safety (Drivers) Regulations 2009* (Vic); for NSW see <rt.nsw.gov.au/licensing/gettingalicense/car/provisional_licence.html> at 15 April 2010.
2. *Transport Operations (Road Use Management Driver Licensing) Regulations 1998* (Qld) regs 14AC, AD.
3. *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2000* (Tas) reg 11: 50 hours; *Motor Vehicles Regulations 1996* (SA) reg 25B; VWA Department of Transport 'Practical Assessment' <transport.wa.gov.au/licensing/learnerdrivers/1472.asp> at 12 May 2010.
4. Stephanie Tonkin, 'Driver licensing: Where are the Keys to a Future?' (Paper presented at 'Children and the Law' Conference, Monash University, Prato Italy, September 2009)
5. Australian research has shown that, even prior to the introduction of mandatory hours requirements, young people charged with driving unlicensed were significantly more likely to have a lower educational level, and much lower income level, than the group overall: Barry Watson, *The Road Safety Implications of Unlicensed Driving: A Survey of Unlicensed Drivers* (2003).
6. Law Reform Commission of WA specifically recommended the introduction of geographically limited licences for people disqualified from driving but obliged to drive as the only means of transport in the community: *Aboriginal Customary Laws: Final Report* (2006) 96.
7. Yvonne Helps et al, *Aboriginal people travelling well: Issues of safety, transport and health* (2008). See also Graham Currie and Zed Senbergs, 'Indigenous Communities: Transport disadvantage and Aboriginal communities' in Graham Currie, Janet Stanley & John Stanley (eds), *No Way to Go* (2007).
8. Helps, above n 7, vii, 62. The over-representation of Indigenous people in licence-related offending (but not general driving offences) had been raised in 1991 by the Royal Commission into Death in Custody and subsequently: see discussion in Sentencing Advisory Council, *Driving While Disqualified or Suspended* (2009) 39.

Where other countries mandate a minimum number of supervised hours these are much shorter.

include the pressure on new arrivals to drive to get to school and work, but also the expense of professional driving lessons, and the fact that there are in fact few people in these communities with a full licence and thus in a position to supervise learner drivers.¹²

The penalty can be a fine and the risk of imprisonment. In some states it leads to disqualification for a period; the continued pressure to drive if required, for family, community, or work, then means the young person is likely to continue driving and to be charged with driving whilst disqualified. This can have devastating consequences. In Queensland repeated offending carries a mandatory minimum disqualification of two years, and a high risk of imprisonment.¹³ In NSW a second or subsequent offence of driving unlicensed (never having been licensed) carries a mandatory three-year period of disqualification and the possibility of a prison sentence up to 18 months.¹⁴ In Victoria the offence carries a penalty of a fine or imprisonment, but it is also possible for an offender to be disqualified; a repeat offence of driving whilst disqualified carries a mandatory prison sentence.¹⁵

The impact on Indigenous communities, in particular, was highlighted in a recent Senate report on regional and remote Indigenous communities. The Report cited observations of the WA Chief Justice about the difficulties in Indigenous communities where driving is essential and unavoidable, leading to a pattern of continuing disqualification:

The result of this tragic cycle is often that Aboriginal people living in remote communities have no realistic prospect of obtaining a motor drivers licence in the foreseeable future, under the current legal regime. By the time they get to their 13th, or 23rd, or even 33rd conviction for driving without a licence, imprisonment seems the only appropriate penalty.¹⁶

It would take around two years to log 100 hours' supervised driving at an hour/week (eg on the weekend). A very dedicated parent/supervisor might be able to provide two or three shorter driving sessions per week: this would still require up to a year's continuous support for the required hours to be achieved.

What is the basis for this new requirement?

Injury and death of newly-licensed drivers have been a major concern in many countries. For example, in NSW, people under 25 constitute 16 per cent of licensed drivers, but 31 per cent of road fatalities.¹⁷ Nationally, it has been reported that young drivers

make up around 13 per cent of the driving population but represent a quarter of drivers killed on the roads.¹⁸

Learner drivers driving under supervision have very low crash rates, but when they begin to drive unsupervised (eg on a provisional licence) they have the highest rate of crashes. Studies in WA, for example, found that young drivers on provisional licences were up to five times more likely to be in a crash than drivers over 19 years, and that drivers in their first year of unsupervised driving had a crash rate 2.6 times greater than drivers licensed for five years.¹⁹ In NSW 17-year-old drivers in their first year of licensed driving have been found to be four times more likely to be involved in a fatal crash than a driver over 25.²⁰

A review of the literature by Monash University's Accident Research Centre ('MUARC') in 2005 found that traditional training in basic vehicle-handling skills was effective in teaching a learner to operate a vehicle in traffic and to pass their driving test, but did not protect the learner from crashes once they began driving unsupervised. The research showed that the key protective factor was having many and varied hours of driving experience under supervision. Further, this experience was more effective in reducing crash risk if it was gained during private practice than under professional instruction.²¹

This is more a matter of inexperience than of age. Whilst most young driver crashes have been found to be due to inexperience — attention areas, hazard recognition, emergency manoeuvres — studies have shown that drivers who obtain their licence at an older age still have an increased crash risk when they first drive unlicensed.²²

The MUARC report outlined research in Sweden which appears to be the basis for the Australian schemes. When the minimum learner age was reduced in Sweden to allow more time for voluntary driving experience it was found that learners who increased their supervised driving (who on average gained about 118 hours driving experience) had a 35 per cent lower crash risk per kilometre than those who averaged about 40 hours.²³ VicRoads cites research showing that 'new solo drivers with almost 120 hours of learner driving experience have a 30 percent lower risk of crashing than those with about 50 hours.'²⁴

It is not clear whether 100 hours (as in Queensland) or 120 hours (as in NSW and Victoria) or indeed a longer or a shorter period are the optimal periods for reducing risk. The choice is one of balancing the increased safety

9. Roads & Traffic Authority of NSW, *An Investigation of Aboriginal Driver Licensing Issues* (2008) 20, 21.

10. *Ibid* 45–46.

11. Katie Fraser, *Out of Africa and into Court: The Legal Problems of African Refugees* (2009), 7.

12. *Ibid* 20.

13. *Transport Operations (Road Use Management) Act 1995* (Qld) s 78

14. *Transport (Driver Licensing) Act 1998* (NSW) s 25.

15. *Road Safety Act 1986* (Vic) ss 18, 20, 30; the harshness of the last provision was the subject of a recent report by the Sentencing Advisory Council, above n 8.

16. Senate Select Committee on Regional and Remote Indigenous Communities *Third Report* (2009) para 4.24

17. Staysafe Committee, Parliament of NSW, *Report on young driver safety and education programs* (2008), 7; this report includes similar national and international data.

18. AAMI, *The young and the reckless: Young drivers annual road safety index* (2009) <aami.com.au/Resources/File.aspx?id=161> at 15 April 2010.

19. Teresa Senserrick and Narelle Haworth, *Review of Literature regarding National and International Young Driver Training, Licensing and Regulatory Systems* (2005) 1.

20. Staysafe Committee, above n 17, 8.

21. Senserrick and Haworth, above n 19, xi. Other factors associated with crash and injury reductions included increased duration of the learner period (to promote more supervised driving experience), and restrictions on night-time driving, peer passengers and blood alcohol limits.

22. *Ibid* 1.

with considerations of practicality and likely compliance. For example, driver-related cognitive perceptual skills such as hazard perception are recognised as some of the most important driving skills, but they can take 'in the order of decades' to develop.²⁵

As noted earlier, most Australian jurisdictions have introduced the requirement of minimum supervised driving hours, though for differing periods. Where other countries mandate a minimum number of supervised hours these are much shorter. The UK requires 15 hours, Northern Ireland 10 hours; Finland mandates 1000 kms and Norway 2000kms, and Sweden simply recommends 80 hours or 4000 kms of supervised driving.²⁶ Closer to the Australian system, a range of US states impose anywhere between 20 and 60 practice hours.²⁷

The use of logbooks has also become mandatory in most Australian jurisdictions. The logbook allows verification of required driving hours; the requirement also underlines the formality and seriousness of the driving hours' obligation. The minimum hours and the logbook operate as hurdle requirements: the young driver will not be allowed to take the driving test for their probationary licence without producing a logbook recording at least the minimum number of hours and signed by an authorised driver.

Compliance and avoidance

One avoidance response: fabricating the log book

A surprising number of people with whom I discussed this new requirement said immediately, 'but people will just make up the log book'. This would be what is referred to as regulatory avoidance or creative compliance. Participants in an ABC blog in Sydney wrote:

Let's be honest, do you really think that everyone would comply and really drive for 120 hours? ... I had a daughter go through on 50 hours which was easy enough but with my son on 120 hours, we were forced to fudge it a bit (8 minutes became 10 etc) as it was taking so long.²⁸

The NRMA in NSW surveyed 1300 young drivers, of whom 14 per cent stated that they had fabricated logbook entries. Nearly half 'admitted to lying, knew someone who had lied or may lie to avoid completing the 120 hours.'²⁹ The NRMA criticised the 120 hour requirement as 'open to fraud' and 'arbitrary'.³⁰ A NSW Parliamentary Committee called for an evaluation of the impact of the increase in the requirement of supervised hours from 50 to 120, particularly in rural communities.³¹

The reported government response to the survey was that the government was satisfied that 86 per cent of young drivers were complying with the scheme.³²

Some researchers suggest that policing of the logbook should not be a high priority. The logbook should be seen more as an encouragement to increase driving practice.³³ The research suggests that the degree of parental involvement is at least as significant as the logbook requirements. Most graduated licensing schemes incorporate the role of parent as supervising driver, and also supervisor of the logbook.

If this approach is taken in practice it would be an illustration of regulation which aims to achieve an outcome (more experienced new drivers) primarily by informal mechanisms (education, encouragement, peer and parental pressure). Enforcement of the formal requirements remains in the background as, at most, a vague threat, or as the apex of a regulatory enforcement pyramid which is rarely reached. Earlier research on novice driver regulation concluded that the existence of a legal requirement can change the behaviour of sufficient drivers even with limited enforcement: 'laws can be educative as well as restrictive and punitive'.³⁴

On this model, provided the new driver arrives at the testing centre to get their Probationary licence with a filled-out logbook, the detail will probably not be scrutinised closely. The NSW Roads Minister responded to the NRMA survey pragmatically:

The report says that 14 per cent of young people have fudged their log books, the overwhelming majority do not. They are doing the right thing and complying with the novice driver regime.³⁵

In Victoria, VicRoads advises that it 'will "spot check" logbooks for accuracy and completion'.³⁶ However in Queensland it was reported that the logbook system was being reviewed, after claims that 'transport officials have been asked to go easy on checks'.³⁷

In that state, logbooks are audited by staff of the Department of Transport and Main Roads and sanctions have reportedly already been imposed for false documentation:

Forty-four penalty infringement notices have been issued relating to false or misleading information or documentation in learner drivers' logbooks and 26 warnings have been issued to applicants and supervising drivers.³⁸

A more risky avoidance response: driving unlicensed

The simpler and more risky option is to drive without obtaining a licence. This is the option outlined at the start of this article, which seems to be presenting itself to some of the more marginalised groups of young people. This raises two problems. First, some of these young people are detected and brought before the courts, with a criminal record and all that entails. Secondly, their lack of driving experience means that they are likely to be putting themselves and other road users at risk.

The issue here is that the requirement for the extended period of supervised driving is arguably criminalising young people, from groups already disadvantaged by economic, geographic and cultural factors.

Possible responses

Statutory exemptions and modifications

In a number of jurisdictions learner drivers can accumulate some of the required hours with professional instructors, with the hours under instruction counting more than supervised hours. In Queensland and NSW, for example, ten hours of driving school lessons equate to 30 hours of driving.³⁹

23. Ibid 32. Reforms did not involve mandating a minimum driving period, and results are analysed differently by different commentators. Asa Murray, 'Decreasing number of young licence holders and reduced number of accidents: A description of trends in Sweden' (2003) 35 *Accident Analysis & Prevention*, 841, 849 cites the reform as finding 'that about 50% of the suitable age cohort took advantage of this opportunity and that they had a reduction of accident risk (accidents per 10 million kilometre) of approximately 15% over a period of 2 years after acquiring the licence.'

24. VicRoads, *Guide for Learners* (2007) 13.

25. Michelle Whelan et al, *Learner Driver Experience Project: Report No 221*, MUARC (2004), 1.

26. Teresa Senserrick, 'The Importance of Experience' (Paper presented at LDMP Seminar, Sydney 12 May 2009) <youthsafe.org/images/pdfs/LDMP/senserrick_idm.p%20george%20presentation%20may09.pdf> at 15 April 2010.

27. Ibid.

28. ABC Radio, Weblog, *Are you faking it?* <<http://blogs.abc.net.au/nsw/2009/05/are-you-faking.html>> at 12 May 2010.

29. Rebecca Woolley, 'Learner drivers fudge log books', *North Shore Times* (Sydney) 21 May 2009 <<http://north-shore-times.whereilive.com.au/news/story/learner-drivers-fudge-log-books/>> at 12 May 2010.

30. NRMA, '120 hours too onerous' (Press release, 20 May 2009) <mynrma.com.au/cps/rde/xchg/mynrma/hs.xsl/9027.htm> at 12 May 2010.

31. Staysafe Committee, above n 19, xvii.

32. Woolley, above n 29.

33. Senserrick and Haworth above n 19, 34.

34. Thomas J Triggs and KB Smith, *Young Driver Research Program: Digest of Reports and Principal Findings of the Research Cth Federal Office of Road Safety* (1996) 16.

35. Woolley, above n 29.

36. VicRoads, *Learner Log Book Information*, <strive2drive.com.au/downloads/Logbook%20vicroads.pdf> at 12 May 2010.

The new requirement for mandatory minimum hours of supervised driving experience is an important safety strategy. However in a society where car access is commonly crucial for social inclusion, the unintended consequences are serious.

This is a constructive approach to the problem of ensuring learner drivers acquire sufficient driving experience. There are however at least two problems with this response.

First, it disadvantages learners who cannot afford paid instruction. As noted earlier this is already a problem for many learners from disadvantaged communities. On the other hand it is more directly capable of being addressed with government financial assistance, as financial support for driving lessons is simpler to provide than actually facilitating the acquisition of extensive supervised hours of driving. Other means of facilitating actual driving hours are discussed below.

Second, the research indicates that the increased safety outcome is produced by the fact of having spent more hours driving in diverse situations. 'Discounting' the hours where they are under formal instruction undermines this benefit. In addition it will be recalled that the research shows the benefit in terms of crash reduction of an extended period of supervised driving is much less where it involves paid instruction. In fact the MUARC literature review found that there was increased crash risk where there was '[e]xtensive professional instruction in the absence of sufficient private supervised driving experience.'⁴⁰ On the other hand, if the scientific evidence points to a useful *band* of supervised driving hours rather than a precise period (120 hours; 100 hours) this criticism has less force, and other mechanisms for supporting driving hours might also be usefully investigated.

More targeted measures may be appropriate for communities particularly affected by the cycle of disqualification noted earlier. The Senate Committee on Regional and Remote Indigenous Communities particularly noted the cycle of unlicensed driving and then repeat offences of driving whilst disqualified in remote Indigenous communities, and highlighted the recommendation of Legal Aid WA for 'an amnesty around licenses, with ministerial discretion, in order to end a pattern of offending relating to licenses that results in imprisonment.'⁴¹

Also in WA, the Law Reform Commission recommended in 2006 that the eligibility for the grant in that state of an 'extraordinary drivers licence' following licence disqualification should be extended to cases of extreme hardship due to 'Aboriginal kinship, and cultural and customary law obligations.'⁴² This recommendation was made prior to the introduction of mandatory

minimum driving periods; these will inevitably have increased these problems in Indigenous communities.

Volunteer drivers

Magistrate Tonkin and others in her family and community have taken the problem seriously at a personal level, and offer young learner drivers an hour's driving once a week. Tonkin has made links with young Indigenous people at boarding school in the area, observing that 'a good way to assist youthful drivers from remote communities is to sponsor them while in boarding schools, so that they take their skills back with them.'⁴³

Tonkin is also part of a community group providing learner drivers with a supervising mentor, 'Keys to a Future'. Volunteer mentors are recruited from the community and linked up with learner drivers needing assistance, and Queensland Youth Services Inc. assists with insurance and fuel subsidies. The project was recently awarded the Queensland Premier's Award for Community Road Safety.⁴⁴

Successes of the Townsville program are illustrated by two stories reported by Queensland Youth Services. Rebecca:

did not have the family support, vehicle or license to get her started... A Police Cadet volunteered his time towards mentoring Rebecca and together she succeeded in gaining enough hours to build up her confidence to go for the practical driving test and her Driver's Licence.

Shayla, at 17, had no clear life direction:

A community worker volunteered her time towards mentoring Shayla, and through the mentor's good will and numerous driving lessons, she has clocked up over 70 hours and has taken steps to direct her career into community services work.⁴⁵

In NSW, the RTA publishes *Guidelines for the development of community-based mentoring programs*. In Victoria, VicRoads co-ordinates a learner driver mentor program called L2P through local government agencies ('LGAS'). At least six LGAs are currently running the program.⁴⁶

Tasmania appears to have been the most successful state in implementing such learner driver mentoring programs, with 8 to 10 local 'TopGear' groups established. At least 50 people have obtained their provisional licence under the program, which has been funded in conjunction with the Department of Immigration and Citizenship until 2011.⁴⁷ A recent evaluation of learner driver mentor programs identified 22 current programs across Australia, and reviewed

37. Petrina Berry, 'Review for learner driver logbook system', AAP, 14 August 2009.

38. Ibid.

39. Transport Operations (Road Use Management – Driver Licensing) Regulations 1999 (Qld) Reg 14AD; NSW RTA, 'How do I get my learner licence', <rtta.nsw.gov.au/licensing/gettingalicense/car/learners/> at 12 May 2010.

40. Senserrick and Haworth, above n 19, xiii. This was reportedly in part due to the risk of overconfidence on the part of the learner driver after formal tuition but without sufficient on-road experience.

41. Senate Report 2009, above n 16, paras 4.23–4.25.

42. Law Reform Commission of WA, above n 6, 95. An extraordinary driver's licence can be granted under s 76 Road Traffic Act 1976 (WA), allowing the person to drive subject to specific conditions imposed by the court such as purpose, hours permitted and where they are allowed to drive.

43. Personal communication with the author.

44. Premier's Award for Community Road Safety 'Keys to a Future' <carrrsq.qut.edu.au/qrsa/winners/qrsa_winners_2009.jsp#Premier_Community> at 12 May 2010.

45. 'Keys to a Future' — Mentoring Pilot Program, <qldyouthservices.org.au/images/Keys%20to%20a%20Future_version%202.pdf> at 12 May 2010.

46. Youthsafe, *Learner Driver Mentor Programs: Report on the Current Status of Learner Driver Mentor Programs in Australia* (2009), 31.

47. 'Top Gear Mentor Driving Program' <immi.gov.au/gateways/police/case-studies/tasmania/top-gear/> at 12 May 2010.

these together with eight programs that had ceased operation (all due to funding limitations).⁴⁸ The programs targeted Aboriginal youth, newly arrived migrants, and unemployed and disadvantaged youth; a new program starting in Geelong was targeting young Sudanese women specifically.

Continued funding was highlighted as a key factor in success, and a key obstacle was the administrative demands of the programs, given their volunteer base. For these reasons the Victorian and Tasmanian schemes were found to have greater chance of success, as these programs 'had significantly reduced administrative requirements, particularly at program outset, as a result of support and resources being coordinated centrally'.⁴⁹

A program specifically for young Indigenous people has been run in inner city Blacktown, NSW, since 2005. The convenor of KAYS ('Keep Aboriginal Youth Safe') reported that in 2008, in the Mount Druitt area alone, there were 172 charges of 'unlicensed: never held' amongst people aged 17–25 years.⁵⁰ The convenor highlighted the tenuous state of funding at the time (and the rundown state of the car being used) but also identified a number of other communities in the area also in need of such support including the Pacific Islander and African communities, young people in assisted housing, and young unemployed people.

Conclusions

The impact of regulation on different sectors of the community must be carefully considered. The new requirement for mandatory minimum hours of supervised driving experience is an important safety strategy. However in a society where car access is commonly crucial for social inclusion, the unintended consequences are serious. The avoidance mechanism available to more privileged children — fudging of the logbook entries — is both less easily discovered, and less dangerous to the young driver and the community. Avoidance by unlicensed driving, on the other hand, leads not only to unsafe driving, but also to the criminalising of already marginalised groups. Equity issues must be addressed prospectively and comprehensively, rather than as the problems arise, to ensure that the already disadvantaged do not suffer further exclusion.

BRONWYN NAYLOR teaches law at Monash University. She would like to acknowledge the pioneering work of Stephanie Tonkin in this area, and thank her for her inspiration and comments on earlier drafts.

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48. Youthsafe, above n 46. The Report did not include the Queensland 'Keys to the Future' initiative and appears not to have carried out an exhaustive Australian study.

49. Ibid 18.

50. David Tynan, *Keep Aboriginal Youth Safe*, presentation at LDMP Seminar (12 May 2009) <http://youthsafe.org/images/pdfs/LDMP/tynan_kaysyouthsafe.pdf> at 12 May 2010.

Vale Helen Brown

Helen Brown died recently, aged 46.

For many years, Helen was part of the Victorian Editorial committee of the *Alternative Law Journal*. A keen member of The Greens, she used her skills and knowledge as a lawyer for the benefit of campaigns and people in a range of areas, from women's rights to planning and environmentalism. Helen was a devoted mother to her two young daughters, and a hugely enthusiastic member of a cappella singing group, the Polyester Blenders. She will be greatly missed.