

The Driver Education and Licensing Project at Sipekne'katik First Nation

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BACKGROUND: THE POVERTY ACTION RESEARCH PROJECT

The Driver Education and Licensing Project (DELP) at the Sipekne'katik First Nation (SFN) in Nova Scotia¹ had its origins in 2010 with the Poverty Action Research Project (PARP). The latter brought together an academic team from several Canadian universities, as well as the University of Arizona, working in partnership with the Assembly of First Nations. Funding was provided by the Canadian Institutes of Health Research (Poverty Action Research Project, 2018).

The idea behind PARP was to select five First Nation communities from different parts of Canada and to work with them on developing a strategy designed to address poverty in their communities and thereby contribute to health and well-being. The project was unusual in that not only were the strategies which emerged community-driven and therefore different one from another, but there was also a commitment to work with the communities on their implementation.

Transportation issues emerged as a barrier in several of the strategic plans. At Misipawistik Cree Nation in Manitoba, for example, the community decided to implement a project to provide driver education on the reserve, and 28 persons signed up for the program.

Fred Wien was the nominated principal investigator for the national Poverty Action Research Project funded by the Canadian Institutes of Health Research.

¹ Among the 13 Mi'kmaq communities in Nova Scotia, SFN is the second largest, with an on-reserve population of 1244 persons and a similar number living off reserve. The main population location is Indian Brook, located in Hants County, but there are five additional, smaller and scattered land areas that also belong to the community. Source: SFN web site.

Demand was sufficiently high that a second cohort was admitted shortly thereafter, with the Swampy Cree Tribal Council picking up the idea to benefit its member communities.

Transportation was also a key issue identified at Sipekne'katik First Nation. This article describes how the community went about addressing this important obstacle.

TRANSPORTATION ISSUES IN MI'KMAQ COMMUNITIES

Ten of the thirteen Mi'kmaq reserves are located in rural areas, on average about 30 kilometres from urban areas or from regional service centres. While this may not appear to represent a high degree of geographic isolation, it looks different from the vantage point of someone living in the community without a driving licence and without dependable access to a car or any other form of flexible and affordable transportation.

Measures to address transportation needs include medical drivers who will take persons to health-related appointments, but that is a limited purpose service. Additionally, Sipekne'katik Employment and Training has purchased a commuter van. This option works well when several people need to go to a particular location to take part in a training program, for example, but does not meet individual needs to go to a wide variety of locations at many different hours of the day. Further, there is no municipal bus service.² Although Halifax Transit stops at the Robert Stanfield International Airport, that location is about 30 kilometres from SFN. Thus, family and friends are pressed into service, or a local "taxi" can be engaged; but many residents cannot afford the cost.

It is not surprising, therefore, that transportation is identified as a significant issue for community members. To give one indication, the 2015–16 First Nations Regional Health Survey asked adults living on reserve in Nova Scotia how important different barriers were to their accessing health services in the province. Out of more than 16 barriers listed, not being able to afford transportation costs was identified by 24% of respondents, the fourth most frequently mentioned barrier (Doria et al., 2018, Figure 3.4).

A HIGH LEVEL OF COMMUNITY INTEREST

When we launched the DELP initiative, therefore, we expected there would be program interest, but we modestly budgeted for 25 participants. The first indication we were way off base came when we held two community information sessions in May 2019, and a total of 50 persons attended. The deadline for submitting applications was two weeks later, by which time 88 adults had completed application forms. We decided to see if we could assist all applicants, thereby far exceeding our initial budget estimates, and they became what we now call the first cohort. A year later, as we are nearing the end of the work with this group, another 102 adults have applied to be part of a second cohort — an unprecedented response for any initiative at SFN, and an indication of just how important the transportation issue is for community members. Indeed, the 190 participants included in the first two cohorts repre-

² Public transport is generally not available in the rural areas of Nova Scotia.

sent some 23.2% of the population 15 years of age and over and living at SFN in 2016, according to the Census (Statistics Canada, 2018).

A POVERTY TRAP: FINES AND LOSS OF LICENCE

One of the lessons from the PARP initiative is that the five participating First Nations each had, in their own way, a much broader conception of poverty than is usually the case in mainstream society, where the emphasis is on material indicators such as income or employment. They spoke about all the things that go into creating a “good life” and the need for balance among major life dimensions (Denis, Duhaime & Newhouse, 2017). This does not deny deep concern, however, about high levels of material poverty, an issue which is an integral component of the transportation issue.

Table 1 reveals just how significant material poverty is in the SFN community compared to the surrounding rural area.

Poverty comes into the driving license picture from many directions, including the cost of taking a driver education program, paying fees at the Registry of Motor Vehicles, arranging for insurance and purchasing, and operating a motor vehicle. We found, however, the biggest issue was the fines individuals had accumulated over time, their inability to pay these fines due to material poverty, and the consequent exclusion from services offered by the Registry of Motor Vehicles because their fines are deemed to be in default. If they had a driving licence previously, this dynamic prevents renewal of their licence until the default situation is addressed.

Drivers who have been suspended for non-highway safety reasons often become trapped within the system. Some cannot afford the original fines and may lose their ability to drive legally as a result of the suspension. If the suspension was for a non-highway safety reason, the person, who may otherwise be a safe driver, loses his or her ability to drive to and from work, school and other essential destinations that require driving.... This is especially true in areas that lack alternative means of transportation. (AAMVA, 2018)

Table 2 summarizes some of the different ways in which financial obstacles affect participants in our first cohort, with more than two-thirds having outstanding fines and many looking at a variety of fees they need to pay before getting back on the road.

Indicator	Sipekne'katik	Hants County	N.S. on Reserve
Percentage of adult population in labour force	40.5	62.2	47.3
Percentage of population employed	32.5	56.8	36.8
Unemployment rate	19.7	8.7	22.2
Median total annual income	\$11,483	\$32,670	\$15,498
Source: Statistics Canada, 2016 Census, Catalogues 98-510-X2016001 and 98-315-X2016001			

TABLE 2
Financial Obstacles to Regaining Licence, July 2019

Financial Barrier	Number of Participants
Outstanding fines	61/88
Reinstatement fees	53/88
Road and other testing fees	77/88
Active suspension	16/53
Number with suspensions expired but financial barriers	37/53

Source: Client Files, Registry of Motor Vehicles, July 2019

TABLE 3
Data on Fines DELP Participants, July 2019

Item	Data
Number of Participants with Fines	61/88
Total value of accumulated fines, July 2019	\$239,520
Average fine per participant who has a fine	\$3,927
Time required to pay off average fine at \$20 per month	196 months or 16+ years

Source: Client Files, Registry of Motor Vehicles, July 2019

We note as well that the total amount of accumulated fines for the 61 participants who had fines comes to an astounding \$240,000. Many of the persons with fines had accumulated multiple convictions and, on average, four of their fines were in default.³ The average fine was in the vicinity of \$4,000, and if someone on social assistance (the situation for 77% of our participants) were able to scrape together \$20 per month to repay such an amount, it would take them some 196 months, more than 16 years, before they would be in the clear.⁴

It is worth noting, too, how unfair the system is in that fines are typically set amounts, such as \$1,200 for driving without insurance. If we take the median income figures from the chart above, a \$1,200 fine represents 10.5% of a person's annual income living on reserve, whereas it represents 3.7% for someone whose annual income is about three times that amount while living in the surrounding county.

³ We assume this is primarily due to an inability to pay — i.e., to poverty — but, of course, there may be other reasons as well.

⁴ While a majority of our participants rely on social assistance for some or all of their income, this is not the case for everyone. We made a deliberate decision to open the program to anyone in the community who thought they could benefit, and our first cohort is remarkably diverse — not only in terms of income sources, but also other characteristics, such as gender and age.

THE DRIVER EDUCATION AND LICENSING PROJECT: WHAT WE DID

Our first step was to establish a Steering Committee, which now numbers some 16 persons. In addition to two Band Council members, the Committee includes the Native Employment Officer for SFN, the DELP coordinator, and an administrative trainee, and representation from organizations such as Mi'kmaq Legal Support Network, Mi'kmaq Employment and Training Secretariat, Dalhousie University, and the provincial Registry of Motor Vehicles, Court Services and Aboriginal Affairs. We found that having provincial representatives on the Committee was especially important because they were able to obtain detailed information on the driving licence and fine status for each of the participants and to provide guidance on how to navigate what is a complicated licensing and court process.

Financial support was obtained from the grant supporting the Poverty Action Research Project provided by the Canadian Institutes of Health Research and administered through Dalhousie University, as well as grants from the Nova Scotia Building Vibrant Communities Fund, the Native Council of Nova Scotia accessing funds from Service Canada, Mi'kmaq Employment and Training, and the Sipekne'katik Band.

Participants were able to draw on a range of supports provided by the DELP project. These included:

- Advising DELP participants on their licensing and fine status, and what they need to do to renew or restore their licence
- Making driver education classes available on reserve and scheduling in-car instruction
- Providing some Registry of Motor Vehicle services on reserve, such as vision tests and identification documents
- Arranging to have Driving While Impaired (DWI) courses offered on reserve
- Providing transport as needed for court appearances, fine payments, Access NS visits
- Assisting with court appearances — forms, appointments, legal advice, personal support, streamlined processing

DELP paid for many of the costs involved in providing these services, such as the driver education program, DWI courses, licensing and road test fees, and the like. It did not, however, offer to contribute to fine repayments, due both to budget limitations and to the desire to leave room for individual responsibility.

THE BIGGER PICTURE: MAKING ADMINISTRATIVE, POLICY AND LEGISLATIVE CHANGES

Clearly there has been a substantial demand for the DELP project at SFN, and there are indications there is a similar level of need among other Mi'kmaq First Nations in Nova Scotia. Off reserve, the Native Council of Nova Scotia is taking steps to offer a DELP-like program to its members.

It is also the case, though, that underlying systemic barriers are in play which will continue to catch Mi'kmaq and other low-income populations in the poverty–licensing trap described above. To begin to identify and address these underlying structural issues, DELP

convened a one-day workshop in February 2020, bringing together Mi'kmaq, provincial and federal representatives. Arising from the workshop, several initiatives are underway to bring about change in the “system”. They include the following:

- Advancing an amendment to current legislation to permit alternative measures to be employed to address fines, such as performing community service
- Allowing fine defaults to be lifted automatically if a person makes and maintains partial payments
- Streamlining the fine remittance process, including making this an administrative matter rather than requiring submitting a remittance application to the court
- Undertaking discussions with DELP, Mi'kmaq Legal Services, and others about how to implement alternative measures in Mi'kmaq communities, e.g., organizing community service to be credited against fine amounts
- Organizing a public event at SFN to educate drivers, parents, and others about insurance-related issues.

CONCLUSION

The high level of participation in the Driver Education and Licensing Project provides a strong indication of the importance of transportation issues in First Nation communities. This is likely one of the most significant barriers facing community members as they seek to improve their circumstances through education, training, employment, and accessing services.

The project identified that it is not only a matter of providing driving education to persons who have never had a licence in the past. It is also a matter of addressing financial barriers, especially the burden of being faced with multiple fines totalling thousands of dollars, on average, but being unable to pay these due to material poverty.

A project such as DELP can be effective in assisting persons to obtain or regain their driving privileges; but more fundamental, systemic obstacles also need to be addressed to avoid future generations falling into a poverty trap.

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