



## INQUEST INTO THE DEATH OF SCOTT PEOPLES

### RESPONSE TO CORONER'S RECOMMENDATIONS

#### Introduction

1. On 11 October 2010, Coroner Bryant handed down his finding into the death of Scott Peoples. In that finding, His Honour made a number of recommendations, seven of which affect VicRoads. VicRoads responds to those recommendations as follows.

#### Recommendation 1:

*That VicRoads conduct more research into the link between impaired drivers and collisions in the context of mandatory and non-mandatory reporting systems.*

- a) *There is a need for research to be undertaken to determine the relationship between impaired drivers and collisions caused by them, to improve data so that more informed policies and strategies can be considered to improve road safety. There is presently no evidence based research to substantiate the proposition that most impaired drivers do come to the attention of the authorities either from police or doctor notification.*

#### Response:

*VicRoads supports this recommendation in principle. VicRoads supports the need for ongoing research into the link between impaired drivers and crashes.*

1. In 2004, VicRoads engaged Monash University Accident Research Centre (MUARC) to carry out research to identify any relationship between impaired drivers and crash statistics. This research was reviewed, revised and updated in 2010.
2. MUARC subsequently identified eight conditions which were found to be associated with at least a moderately elevated risk of crash involvement. These were alcohol abuse and dependence, dementia, epilepsy, multiple sclerosis, psychiatric disorders (considered as a group), schizophrenia, sleep apnoea and cataracts.
3. These eight conditions are incorporated into the Austroads *Assessing Fitness to Drive 2003* (the Standards). The Standards were produced through an extensive consultation process involving medical specialists and general practitioners, as well as all State and Territory licensing authorities, the transport industry and unions. The process was overseen by the National Transport Commission (NTC) and Austroads.
4. The Standards assist health professionals to:
  - a. assess the fitness to drive of their patients in a consistent and appropriate manner, based on current medical evidence;
  - b. promote the responsible behaviour of their patients having regard to their medical fitness;
  - c. conduct medical examinations for the licensing of drivers as required by State and Territory driver licensing authorities;
  - d. make recommendations regarding conditional licences; and

- e. recognise the extent and limits of their professional and legal obligations with respect to reporting fitness to drive.<sup>1</sup>

5. The NTC in association with key stakeholders, such as Austroads, the Australian Medical Association (AMA) and VicRoads are in the process of reviewing the current Standards.
6. MUARC has also carried out further research which indicates that age-based mandatory assessment programs do not have demonstrable safety benefits, in terms of either total fatalities or other road user fatalities<sup>2</sup>.
7. In the meantime, VicRoads will continue to monitor national and international research in this area and where appropriate take steps to reflect this research in VicRoads policies.
8. VicRoads response to Recommendation 2 provides information on impaired drivers and collisions in the context of mandatory and non-mandatory reporting systems.

### **Recommendation 2:**

*That it be mandatory for medical practitioners to report patients whom they know are unfit to drive, and are aware that they continue to drive against that advice.*

- a) *It should be mandatory for doctors where they have formed a view that a person is unfit to drive by virtue of a medical condition, and where they are aware that the person is continuing to drive against that advice, to report them to the relevant licensing authority for a medical assessment.*
- b) *This requirement ought to be national and I would encourage government and relevant agencies to consider a manner in which the limited form of mandatory reporting recommended in this inquest could be considered at a national level.*

### **Response:**

*VicRoads does not support this recommendation based on current evidence.*

1. At present in Victoria, the obligation to report a medical condition which may impair a persons' ability to drive, rests with the driver.
2. Regulation 67 (1) and (2) of the *Road Safety (Drivers) Regulations 2009*, requires a Victorian licence holder to notify VicRoads of any change to their personal particulars or condition. Most relevantly, regulation 67(2) states:

*If a holder of a driver licence or learner permit, or a person who is exempt from holding a driver licence or learner permit under regulation 17, is affected by a permanent or long-term injury or illness that may impair the person's ability to drive safely, the person must, as soon as practicable after becoming aware of the injury or illness, notify the Corporation about it.*

*Penalty: 3 penalty units*

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<sup>1</sup> See Austroads website for further details at <http://www.austroads.com.au/aftd/hp.html>

<sup>2</sup> Refer to paragraph 6.2 of VicRoads submissions to the Court in this inquest.

3. VicRoads considers the current legislative requirements imposed on drivers to be sufficient and as set out in VicRoads submission to the Court in this inquest, does not support mandatory reporting in any form for the following reasons:
  - a. Available evidence suggests mandatory reporting does not lead to an increase in the number of at-risk drivers being reported to licensing authorities.
  - b. In South Australia and the Northern Territory (where mandatory reporting by doctors exists), mandatory reporting by doctors has not led to a greater number of at-risk drivers being reported. Consistent with overseas research typically only drivers with epilepsy are reported.
  - c. It fails to target at-risk drivers. Sleep disorders and alcoholism are significant contributors to crashes, but drivers with these conditions are generally not reported under mandatory reporting schemes operating elsewhere.
  - d. It does not lead to reporting of at-risk cognitively impaired (mainly elderly) drivers or drivers with high risk psychiatric conditions (mainly younger). This is because there is no clear decision point at which the practitioner can specify the person is unfit to drive.
  - e. It can have adverse road safety consequence as experts suggest patients tend to hide medical conditions from their treating physician if they know that the medical practitioner is obliged to report the condition to the relevant licensing authority. As a result the medical practitioner cannot treat the underlying condition. This in turn increases the patient's crash risk and overall risk to the driving public.<sup>3</sup>
4. In addition to the initiatives set out under Recommendation 6 below, VicRoads has undertaken a number of initiatives to improve the identification, assessment and management of at-risk drivers.
5. VicRoads will continue to monitor crash statistics and research. If the crash statistics indicate that a problem has developed and that a change in approach would provide road safety benefits, then VicRoads would take appropriate steps if required at that time.

**Recommendation 4:**

*That VicRoads no longer accept the results or use the Goldman chart test in determining whether a motorist has sufficient field of vision to drive.*

- a) *VicRoads should no longer accept the Goldman chart test as an indicator of a motorist's visual field in determining whether a motorist is fit to drive. In view of the shortcomings identified by Dr O'Dell, this test can no longer be considered a reliable test. The potential for false positives during testing cannot be discounted, particularly where the subject may be cognitively impaired, or motivated by fear of losing their licence.*

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<sup>3</sup> See VicRoads Submission p.4 and references provided.

**Response:**

*VicRoads does not support this recommendation.*

1. VicRoads has since consulted with Dr Morris O'Dell (Victorian Institute of Forensic Medicine (VIFM)) to obtain an expert opinion on the utility of the Goldman chart test. After consultation with Dr O'Dell, VicRoads considers that:
  - a.- It is not reasonable to condemn the Goldman chart test on the basis of this case alone. The Goldman chart test is a long established test and is recognised world wide as the highest standard test of visual fields. The test is a 'gold standard' test on which other visual field tests (such as the Humphrey Field Analyser, Medimont M700 and Octopus test) are based. That is, if people fail one of these tests they are required to undertake the Goldman chart test as documented in the Austroads *Assessing Fitness to Drive 2003* Standards.
  - b. The Goldman chart test requires the technical expertise of a trained and experienced operator to carry out the test.
  - c. VicRoads standard practice is to only call for a Goldman chart test once other eye tests have already been administered, on the advice of a specialist clinician or the VIFM Consultative Committee. VicRoads then reviews the results of a Goldman chart test in the context of the licence holder's wider medical history. Through this process, VicRoads considers that there is little chance of a driver being inappropriately licensed on the basis of a Goldman chart test as it is rarely taken in isolation.

**Recommendation 5:**

*That VicRoads include in licence application and renewal forms questions pertaining to visual health.*

- a) *VicRoads should include in a questionnaire on a licence application or renewal form requiring drivers to disclose whether they have had any eye problems including field of vision problems. If an answer is given in the affirmative this should trigger an immediate medical review.*

**Response:**

*VicRoads supports this recommendation in principle.*

1. VicRoads licence application forms and heavy vehicle licence renewal forms currently include a number of questions regarding the applicants' health. This includes questions relating to a persons' visual health.
2. Licence renewal forms also contain a general reminder to drivers to advise VicRoads of any medical conditions that may affect their ability to drive.
3. VicRoads is currently investigating the feasibility of including specific health questions, including one pertaining to visual health on licence renewal forms.

### **Recommendation 6:**

*Safety awareness campaigns for medically impaired drivers and for cyclists and motorists.*

- a) *That VicRoads broaden its road safety awareness campaign to specifically target fitness to drive as an issue across all age groups. Ensuring that drivers are fully aware of their obligations to report medical impairment and the tragic potential consequences if not done should be a priority.*
- b) *A public safety awareness campaign focusing on mutual obligation between motorists and cyclists to take care on the roads should be considered given the ever increasing number of cyclists on our roads in rural and regional areas.*

### **Response:**

*VicRoads supports this recommendation.*

1. As part of VicRoads ongoing commitment to improving road safety, it has implemented various strategies to assist in educating the driving population on risks related to medical issues. These include:
  - a. A Medical Conditions and Driving section on the VicRoads website which provides medical review information. The medical report form is now available for download (completed in July 2008)<sup>4</sup>.
  - b. Regular updates and distribution of the following brochures/handbooks (also available online) which relate to medical issues and safe driving:
    - i. *Your Review Driving Test*
    - ii. *Snoring. It's no joke! (Sleep apnoea – a sleep disorder)*
    - iii. *Guide to occupational therapy driver assessment*
    - iv. *Assessing your fitness to drive*
    - v. *Getting around without a car*
    - vi. *Guide for choosing and using motorised mobility devices: mobility scooters and electric wheelchairs*
    - vii. *Diabetes and driving*
    - viii. *Glaucoma and driving*
    - ix. *Seizures and driving*
    - x. *The Victorian Older Drivers' Handbook, which includes a self-assessment checklist to identify possible driving problems.*
  - c. Provision of ongoing community education in the form of Road Safety for Older Road Users sessions which are delivered on request to community groups which have identified road safety issues, or aim to pro-actively prevent them. For example, seminars are delivered to volunteer drivers, community support groups and Probus Clubs.
  - d. Assisted with a mobility advisory pilot project in 2009 through the Department of Transport. This program involved mobility advisers providing members of the community who had ceased driving with advice on travel plans.

<sup>4</sup> <http://www.vicroads.vic.gov.au/Home/Licences/MedicalConditions/MedicalConditionsAndDriving.htm>

- e. Undertaken a mail out of the Victorian Older Drivers' Handbook and the English version of Getting Around Without a Car brochure to all Victorian Police stations, local government offices, Divisions of General Practice, and older person's associations such as Probus clubs, senior citizens clubs and retirement villages (throughout 2009).
- f. Translated the Getting Around Without a Car brochure into 18 languages and distributed it to various ethnic and multi-cultural organisations. These publications are also available for download on the VicRoads website (July 2010).

2. In addition, VicRoads is currently:

- a. Finalising the development of two websites:
  - i. *Older Drivers* website which provides information on driving skills, legal obligations and licensing; medical conditions, medicines, health; planning for change and staying mobile.
  - ii. *Family and Friends* website which provides information for family and friends who are concerned about an older or impaired driver. The website addresses ageing, medical conditions and medicines; warning signs for deteriorating driving skills; assisting older drivers to continue driving where appropriate and planning alternative transport; legal obligations and licensing; and reporting to VicRoads Medical Review.
- b. Working to promote existing VicRoads resource materials to health professionals most likely to service at-risk drivers.

3. In relation to education for cyclists and motorists, the Department of Transport *Victorian Cycling Strategy*<sup>5</sup>, for which VicRoads is responsible for a number of actions, includes a priority action to reduce conflicts and risks involving cyclists in the short term by:

- a. clarifying the road rules and communicating them more effectively to road users;
- b. building positive attitudes and mutual respect between cyclists and other road users;
- c. developing a guide for local communities to help them conduct bicycle safety campaigns and activities; and
- d. conducting a traffic compliance campaign around road rules related to bicycles.

4. VicRoads has further commissioned research to identify and analyse the market segmentation of cyclists to assist in understanding cyclists' behaviour and what information and resources best assist cyclists to improve their road safety outcomes.

5. VicRoads provides cyclists and motorists with three brochures and one fact sheet concerning sharing the road:

- a. *Sharing the Road with Cyclists: A Guide for Drivers to Increase Safety;*
- b. *Sharing the Road with Drivers: A Guide for Cyclists to Increase Safety;*
- c. *Sharing the Road: A Guide for Drivers and Cyclists;*

<sup>5</sup> [http://www.transport.vic.gov.au/DOI/DOIElect.nsf/\\$UNIDS+for+Web+Display/5D177CDDE6709FEBCA2575810078D189/\\$FILE/VictorianCyclingStrategy.pdf](http://www.transport.vic.gov.au/DOI/DOIElect.nsf/$UNIDS+for+Web+Display/5D177CDDE6709FEBCA2575810078D189/$FILE/VictorianCyclingStrategy.pdf)

- d. *Share the Road: Answers to Some Questions Frequently Asked by Drivers and Cyclists.*
6. VicRoads with Victoria Police has also recently released a new brochure for cyclists, *Code of Conduct for Bike Riders, Tips and Rules for Safe Cycling*.
  7. These brochures are available on VicRoads website, in Customer Service Centres and the VicRoads bookshop. VicRoads plans to update these brochures as part of the actions within the Victorian Cycling Strategy.
  8. VicRoads will seek the views of the other Victorian road safety agencies in joint consideration of the need for public safety awareness campaigns focussing on the mutual obligations of motorists and cyclists to take care on the roads.

**Recommendation 7:**

*That VicRoads conduct a review of current signage that is research based to improve the effectiveness and purpose of road safety signs used by them.*

- a) *If VicRoads have not already done so, then VicRoads needs to conduct further research and undertake a review of road safety signage used to warn motorists about cyclists, in view of the matters raised in the Coroners Prevention Unit (CPU) report. It is a matter of concern that there is no publicly available research that has investigated Victorian motorist's behaviour in response to signage.*

**Response:**

*VicRoads supports this recommendation in part.*

1. Research indicates that generic road safety signs are not effective in changing motorist behaviour. For signage to have any impact, a specific directive message must be given on the sign (e.g. 'slow down'). The operation of the signs requires links to enforcement of the required behaviour and an associated education/publicity campaign. Therefore, signs such as 'watch out for cyclists', especially if cyclists are not usually present are generally considered to be ineffective. We note that His Honour made reference to the conditioning effect of generic signage during the inquest.
2. VicRoads is currently in the process of evaluating whether further research is required in relation to the effectiveness of bicycle warning signs aimed at drivers.
3. VicRoads is also currently working with a community group to trial 'Cyclists – Share the road' signs in the South West Region which is an area with a high population of cyclists. VicRoads will continue to monitor issues related to signage and carry out further research where appropriate.

**Recommendation 8:**

*Greater co-operation and collaboration with local road users should be undertaken by VicRoads and local councils.*

- a) *That VicRoads, TAC and local government liaise with local cycling clubs to identify training routes and times to alert motorists to the presence of cyclists by the use of appropriate signage.*

**Response:**

*VicRoads supports this recommendation in principle.*

1. VicRoads currently liaises with various local councils, bicycle groups and organisations including the Amy Gillett Foundation, Bicycle Victoria, the Victorian Bicycle Advisory Committee and the new G21 Bicycle Infrastructure Group.
2. VicRoads in conjunction with local governments will continue to consult with these stakeholders into the future with an aim to establishing frequently used cyclist training routes across the road network, and where appropriate take steps to implement future policy changes to signage to address any future issues in relation to cyclists.