



Department of Transport

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File:

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Coroner's Registrar
Coroners Court of Victoria
Coroner's Team 5
65 Kavanagh Street
SOUTHBANK VICTORIA 3006
team5@courts.vic.gov.au

Dear Ms Meggetto

DOT RESPONSE TO AMENDED FINDING: COR 2017 005171 INVESTIGATION INTO THE DEATH OF MACLELLAN, CAMERON ANDREW

Thank you for your email of 21 July 2020 regarding Coroner Audrey Jamieson's findings and recommendations. The Department of Transport extends its sincere condolences to Mr Maclellan's family and friends.

The Department of Transport in response to this report, together with earlier similar recommendations from Coronersⁱ, has considered the recommendation regarding "adopting a framework requiring mandatory reporting to VicRoads when a medical practitioner forms an opinion that a person with a permanent or long-term injury or illness, is not or may not be, medically fit to drive".

VicRoads continues to implement the self and community model of referral into the medical review process. This policy position aligns with the legislated requirements that drivers must notify VicRoads if they have a serious (permanent or long-term) illness, disability, medical condition or injury (or the effects of treatment for any of these things) that may impair ability to drive safely. Failure to make the required notification is an offence under regulation 68(2) of the Road Safety (Drivers) Regulations 2019. Any health professional or member of the public can report concerns about a driver's medical condition or disability and its effect on the driver's ability to drive safely. People who make a report in good faith are protected from legal action and VicRoads will not release their identity without their consent, unless it is compelled by law.

To address repeated similar recommendations, throughout 2018 the Department of Transport and VicRoads considered it essential to work more closely with the parties potentially affected by a mandatory reporting framework. A broad range of discovery activities were undertaken which included:

- exploring medical practitioner awareness, knowledge and application of fitness to drive processes;
- the effectiveness of the community model of referral into medical review; and
- the international research evidence in this domain.

The department also established the Coroners Fitness to Drive Action Group (CFTDWG) comprising a multi-disciplinary group of medical and related stakeholders to inform these activities and investigations.

This work resulted in the submission to the Court, in December 2018, of the “Report to the Coroners Court Medical Fitness to Drive.” The report, accompanied by a letter from Corey Hannett, Acting Head Transport for Victoria, was subsequently provided on the Coroners Court website):

www.coronerscourt.vic.gov.au/sites/default/files/2019-01/Further%20response%20from%20VicRoads_1.pdf

The seventy-three page report summarises the completed and ongoing work to better understand mandatory medical reporting and support fitness to drive awareness, knowledge and processes applicable to health professionals and the general public. The report also summarises the systematic literature review undertaken by Monash University to investigate research literature reporting on impacts of mandatory medical reporting. This rigorous research “Issues relating to the efficacy of mandatory medical reporting of drivers with medical and other fitness to drive relevant conditions by medical and other health practitioners” has since been published in the *Journal of Transport & Health* (2019, Edition 12, pp 237 – 252, copy attached).

The researchers concluded there is some evidence to suggest that mandatory reporting laws are associated with an improvement in medical and other health practitioners’ knowledge regarding how to report patients to licensing authorities. However, there is inconclusive evidence as to whether such laws:

1. Increase the reporting of drivers with medical or other fitness to drive relevant conditions to licensing authorities, or
2. Reduce the crash risk of these drivers.

They also identified evidence that mandatory medical reporting can adversely affect the physician-patient relationship, expose health practitioners to verbal and physical abuse, and can lead to patients avoiding medical treatment for fear of being reported.

In the light of the review’s findings and the lack of stakeholder support for a mandatory reporting scheme, the Department of Transport continues to implement a program of non-regulatory activities intended to raise medical practitioners’ awareness of the importance of reporting at-risk drivers to VicRoads, and to help drivers themselves better understand their obligations and the medical review process.

Due to ongoing support from the peak health bodies, the original CFTDWG continues meeting regularly to inform ongoing medical fitness to drive and related research, interventions, communications and opportunities. Since 2018, DOT staff and CFTDWG members have worked collaboratively to support various activities. This has included (but is not limited to):

- developing a new “fitness to Drive” video for health professionals on the VicRoads website www.vicroads.vic.gov.au/licences/health-and-driving/information-for-health-professionals
- contributing to a podcast on medical fitness to drive for the Royal Australasian College of Physicians www.racp.edu.au/pomegranate/view/ep45-medical-fitness-to-drive

- completion of two new driver medical review fact sheets: “Learning to drive with a disability” and “Vision and driving”
www.vicroads.vic.gov.au/licences/health-and-driving/medical-forms-and-fact-sheets
- collaboration with RACV to develop a “Driving and your health” webpage
www.racv.com.au/on-the-road/driving-maintenance/road-safety/safe-driving/health.html
- funding and publishing a further systematic literature review “The safety benefits of older drivers attending an in-person licence renewal” *Journal of Transport & Health* (2019, Edition 17 <https://doi.org/10.1016/j.jth.2020.100845>)
- assisting with user testing and development of a new online medical report form to streamline completion of fitness to drive assessments (to be launched later in 2020)
- informing the content for the VicRoads/DOT Medical Review exhibit at the Melbourne General Practice Conference and Exhibition held on 15-17 November 2019, at the Melbourne Convention & Exhibition Centre.

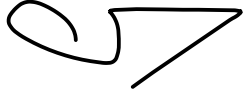
New activities underway include:

- supporting the National Transport Commission to review the 2016 “Assessing Fitness to Drive for commercial and private vehicle drivers”,
- developing and delivering fitness to drive vision related education for Optometry Victoria and South Australia,
- launch (later in 2020) of the new online form for submission of medical fitness to drive reports to VicRoads
- creation of a new driver video depicting impacts of vision disorders on safe driving
- working collaboratively with the Macular Disease Foundation to create a new driver fact sheet explaining impacts of the condition on safe driving.

The Department has seen a steady increase in the numbers of drivers referred to Medical Review, including those self-referring. As reported to the Coroner in December 2018 (*p. 15*), the number of new reports received by VicRoads grew by 13% between 2017 and 2018 (22,064 and 24,926 reports respectively). Over the 2017 and 2018 period, self-reporting by drivers more than doubled (from 7,209 to 14,864) and accounted for 33% of reports in 2017 and 60% of reports in 2018. For the 2018 - 2019 financial year ~26,000 new notifications were received. This included self-referrals ~17,000 (65%, e.g. people declaring a medical condition/disability on their licence renewal), police notifications ~3,150 (12%), health practitioner referrals ~4,250 (16%), or from community members ~1,600 (6% family/friends or by anonymous reports).

DOT will continue to collaborate with peak medical groups, monitor medical fitness to drive referrals, and review world’s best practice and research in this domain to assess whether Victoria’s non-regulatory approach is the most effective approach. If you require further information, please contact Nicole Denton, Director - Strategy and Policy, Road Safety Victoria on 0459 885 664.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a sharp, downward-pointing stroke.

Carl Muller
Executive
Road Safety Victoria

Date: 01/10/2020

ⁱ CORs 004992, 429515, 555416, 401116, 262317, 179017 and 553916