



Department of Transport and Planning

GPO Box 2392
Melbourne, Victoria 3001 Australia

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Your ref: COR 2016 006147
Our ref: LEX 5608

Janet Lee
Coroners Registrar
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

By email only: cpuresponses@coronerscourt.vic.gov.au and [@courts.vic.gov.au](https://www.courts.vic.gov.au)

Dear Registrar

RE: INQUEST INTO THE DEATH OF JACKSON EALES – RESPONSE TO CORONER'S RECOMMENDATIONS

I refer to your letter of 18 August 2023 to Paul Younis, Secretary to the Department of Transport and Planning (Department), regarding Coroner Jacqui Hawkins' Finding with recommendations in relation to the death of Jackson Eales.

First and foremost, the Department and VicRoads extend our sincere condolences to Mr Eales' family and friends.

Her Honour, Jacqui Hawkins, Deputy State Coroner, delivered the primary recommendation concerning the *development of a public awareness campaign by VicRoads and [the Department] to improve awareness of the importance of understanding the fitness to drive guidelines and obligations of individuals to inform VicRoads of any medical conditions that may impair an individual's fitness to drive.*

Driving is a complex task, which requires good vision, judgement, perception and physical abilities. Many health conditions may affect these attributes, so fitness to drive is important for all drivers. This inquest has highlighted the importance of road users understanding their individual medical conditions and any treatments or prescribed medications they may take, and how that may impair their driving and their licensing requirements.

The Department acknowledges that, despite the development of a range of driver and health professional resources over the past four years, at a consumer level the challenge remains to improve awareness of the existing fitness to drive medical review process, the impact of health conditions on driving, and a driver's legal obligations to report to the Department / VicRoads and refrain from driving if they are impaired.

The Department considers that drivers with a good understanding of the potential impact of their medical condition on their driving performance, including an understanding of the serious risks and implications associated with non-disclosure of medical conditions, will be

empowered to report appropriately to the Department / VicRoads' Medical Review team. Encouraging drivers to speak to their trusted health professional to determine any risks that their health poses to their fitness to drive supports this education. This is especially so for heavy vehicle drivers.

Additionally, the Department appreciates the Coroner's observations about opportunities to work with WorkSafe to support the objectives of both organisations, including the Department's responsibility to ensure that drivers remain on our roads only when they are medically fit and safe to do so.

The following is the Department's response to the Coroner's recommendation, including an overview of previous resources developed to encourage public and health professional awareness, and an appraisal of opportunities to address the Coroner's recommendation and further observations included in Her Honour's findings.

The Coroner's recommendation

Pursuant to section 72(2) of the Coroners Act 2008 (Vic), Coroner Hawkins made the following recommendation:

To: Paul Younis, Secretary of VicRoads and the Department of Transport

I RECOMMEND THAT the Secretary of VicRoads and the Department of Transport develop a public awareness campaign around the importance of understanding the fitness to drive guidelines and obligations of individuals to inform VicRoads of any medical conditions that may impair an individual's fitness to drive.

Response to recommendation

The Coroner's recommendation has been partially implemented.

The Department is investigating additional communication methods for drivers to be directed to their health professional, for increased awareness about their medical condition's potential to impact their driving performance, the importance of fitness to drive, and their obligations as a driver to report to the Department / VicRoads. The Department considers that this acknowledges and aligns with the Coroner's recommendation to increase public awareness about the importance of understanding the fitness to drive guidelines and their obligations for reporting medical conditions that may impair their safe driving to the Department / VicRoads, pursuant to regulation 68 of the Road Safety (Drivers) Regulations 2019 (Vic).

The Department further acknowledges that the Coroner has recognised the resources that have been developed to educate both drivers and health professionals about fitness to drive and the Department's medical review process.

Key to drivers knowing about the implications their medical condition may have on their fitness to drive is advice from their trusted health professional. The Coroner's recommendation therefore presents an opportunity for the Department to implement a renewed public awareness communication strategy that focuses on directing drivers to their health professional for advice, and that builds upon and uses the resources already developed.

Communication resources that have been developed by the Department to date, (partially) implemented:

- 1. Web page information and fact sheets to direct drivers to their health professional for education about their condition and fitness to drive**, including their obligations and the medical review process, have been developed and are available on the VicRoads website.

These resources were developed in 2018/19, in consultation with a 'Fitness to Drive working group' convened by VicRoads (now the Department). This group comprises health professionals who are representative members from peak bodies of professionals, who play a key role in the medical fitness to drive reporting process in Victoria, including the AMA (Victoria), Royal Australian and New Zealand College of Ophthalmologists (RANZCO), Royal Australasian College of Physicians (RACP), Royal Australian and New Zealand College of Psychiatrists (RANZCP), Victorian Institute of Forensic Medicine (VIFM), Occupational Therapy Australia, and Optometry Victoria / South Australia.

The fact sheets, included in these resources, were updated following the release of the Austroads Assessing Fitness to Drive Standards Sixth Edition, in 2022.

The resources cover:

The medical review process, including driving tests that may be required

- Various medical conditions' impact on driving - separate fact sheet for each condition
- Ageing and safe driving
- Learning to drive with a disability

See Appendix A: Fact sheets for drivers – list and description of resources available.

- 2. Web page information, fact sheets and video that explain health professional responsibilities, the Victorian medical review process, provide links to fitness to drive standards, and resources, including fact sheets, to support conversations with patients.**

These resources cover the health professional's role and duty of care in the fitness to drive assessment and the VicRoads medical review process, links to the Assessing Fitness to Drive 2022 Standards, and resources to support conversations with patients about fitness to drive.

See Appendix B: Fitness to Drive information and resources for health professionals – list and description of resources.

- 3. New online medical report** developed to enable greater ease for health professionals to submit medical reports to the Department / VicRoads' Medical Review team. This report is accessed via the [VicRoads website](#).

How have these resources been communicated?

- Podcast for GPs – available on both the [VicRoads](#) and [RACP](#) websites
- Webinar for eye health professionals, in partnership with Optometry Australia: [Fitness to Drive: Demystifying VicRoads Medical review and maximising collaborative care](#); Vision

Australia: Vision and Driving; Opportunities to support safety for people with low vision, August 2021.

- Targeted editorial articles in health professional peak body communications – published in 2019 and 2020 in hard copy and electronic periodicals for organisations including: Royal Australasian College of General Practitioners (RACGP), AMA Victoria (Vicdoc hard copy magazine October 2018 edition), Australian Health Practitioner Regulation Agency (AHPRA) (Medical Board Newsletter December 2018 edition), Rural Doctors Association of Victoria (RDAV), Victoria DHHS Primary News, Victoria-wide Primary Health Network (PHN) e-newsletters, Royal Australian & New Zealand College of Psychiatrists (RANCP), Royal Australian & New Zealand College of Optometrists (RANZCO), Optometry Victoria/South Australia, Optometry Australia, Occupational Therapy Australia.
- Exhibition Trade stand at General Practice Conference & Exhibition (GPCE) Conference; a major General Practitioner (GP) conference held at the Melbourne Exhibition Centre, 15-17 November 2019.
- Department (VicRoads) collaboration with consumer-facing organisations for messages about fitness to drive in general and focusing on the importance of maintaining good vision to drive. Including:
 - RACV: [Driving and your health](#)
 - Seniors Online: [Annual Vision Checks Essential for Older Drivers](#)
 - Optometry Australia: [Good Vision for Life](#)

National resources:

Victoria's Department of Transport and Planning's Medical Review and Road Safety Victoria licensing policy staff represented Victoria on two key Austroads reference groups convened following the most recent 2022 Assessing Fitness to Drive (AFTD) Standards update. The two groups' purposes were to facilitate the implementation of the AFTD Standards, as they relate to each jurisdiction, to share information between jurisdictions, and to work with community representative organisations to identify fitness to drive factors that require clarification and consideration in the next AFTD Standards update.

A key activity currently being undertaken by Austroads is the development of a GP education module focused on improved health professional awareness and of medical assessments for the AFTD process. The module will be accredited by the RACGP and made available on the catalogues of the major GP online platforms, including those of the RACGP, AMA and the Australian College of Rural and Remote Medicine.

Victorian Heavy Vehicle Licensing reform – underway

The Department is committed to delivering the outcomes from the review of the National Heavy Vehicle Driver Competency Framework through Victoria's Heavy Vehicle Driver Safety Reform (HVDSR). Through this reform, the Department will deliver an improved training curriculum to support drivers who are applying for a heavy vehicle licence or upgrading their existing licence category.

The curriculum is designed to expand beyond the practical requirements to operate a heavy vehicle and will incorporate driving behaviour and risks of driving a heavy vehicle. This will

expand the information on driver obligation, and the need to consider their health and fitness to drive each time they get behind the wheel.

Opportunities that will be explored for future communications:

- 1) Over the next 12 months, the Department intends to explore development of communications focused on highlighting for drivers the importance of engaging with their trusted health professional to understand the potential impact of a medical condition on driving performance, and obligations for reporting to the Department / VicRoads' Medical Review team. This will include supporting communications directed to health professionals, to improve understanding about the AFTD guidelines and obligations of individuals to inform the Department / VicRoads of any medical conditions that may impair their fitness to drive.

The Department considers that there is potential for a staged communication approach, using the existing resources, and focusing targeted public and health practitioner awareness communications.

Targeted communication options to be explored may be:

- (a) Electronic direct mail (EDM) to registered medical practitioners via their professional associations; and
- (b) Review and enhance information on both the on-line and paper Medical Report forms.

Public awareness campaigns encouraging drivers to speak to their trusted health professional may also be explored, including the use of existing Department / VicRoads points of connection with the community such as social media channels and other available media.

The availability of funding and other resourcing will impact the scale and timing of communication activity.

Further information

In this section, the Department wishes to also address other valuable observations and opportunities relevant to the Department that were mentioned in Coroner Hawkins' findings.

- 1) In paragraph 188 of the Finding, the Coroner stated "*I note that both Counsel for VicRoads and WorkSafe indicated in the submissions hearing that they would agree to collaborate to develop a memorandum of understanding to allow for the sharing of information, specifically in relation to cancelled or suspended licences on medical grounds by either organisation. I strongly encourage both VicRoads and WorkSafe to collaborate on this issue*"

Further, in paragraph 225, the Coroner further stated that "*...there is currently no communication between WorkSafe and VicRoads in relation to licensing. I consider that communication is likely to benefit both authorities and the parties have confirmed their willingness to do so. Counsel for VicRoads submitted that they would be open to engaging with WorkSafe to jointly review existing processes between the two organisations, with a view to introducing or enhancing processes to share information regarding drivers with a dangerous goods licence, subject to any legislative considerations. Counsel for WorkSafe submitted they were willing to explore a*

memorandum of understanding on information sharing with VicRoads and I encourage them to do so".

Response:

- a) The Department will engage with WorkSafe to discuss ways in which the two entities can work together to improve information sharing about drivers that need to satisfy the fitness to drive requirements of both agencies.
This may include exploring a memorandum of understanding in relation to any arrangements agreed, noting that a future enhancement of information sharing may be subject to legislative considerations.

- 2) In paragraph 192 of the Finding, the Coroner stated, *"I consider that increased education to GPs, allied health practitioners and the general public would likely contribute to a further rise in referrals to the Medical Review team at VicRoads. It is vital that Ms Morris and her colleagues receive resources commensurate with that increase. Counsel for VicRoads responded to this concern by confirming that VicRoads continues to monitor the workload of the Medical Review department and will allocate resources as required."*

Response:

- a) The Department continually monitors the Medical Review team's operational demands and manages the team's resource planning needs to meet these demands on an ongoing basis.
- b) The Department also regularly reviews its Medical Review team processes with the aim of streamlining and/or automating processes where possible, to increase staff productivity and minimise administrative tasks.
- c) Where required, the Department would recruit suitably qualified staff for the relevant medical review roles required to meet operational demand changes.

If you require further information or clarification, please contact Frances Taylor, Director Road Safety Policy, Programs and Partnerships at frances.taylor@roads.vic.gov.au

Yours sincerely,



William Tieppo
Deputy Secretary, Network Design and Integration
Department of Transport and Planning

Date: 16 November 2023

Appendix A: Fact sheets for drivers

(Please note – updates of these fact sheets will soon be available on the VicRoads website, including changes following the 2022 Assessing Fitness to Drive (AFTD) Standards update.)

Your health and driving

- [Your health and driving \[PDF 517Kb\]](#)

Medical Review and driving assessments

- [Medical review assessing fitness to drive \[PDF 118 Kb\]](#)
- [Medical review driving test \[PDF 94 Kb\]](#)
- [Occupational therapy driver assessment information sheet \[PDF 91 Kb\]](#)
- [Victorian occupational therapy driver assessors \[PDF 256 Kb\]](#)

Common medical conditions and driving

- [Dementia and driving \[PDF 86 Kb\]](#)
- [Diabetes and driving \[PDF 129 Kb\]](#)
- [Seizures and driving \[PDF 104 Kb\]](#)
- [Sleep apnoea and driving \[PDF 92Kb\]](#)

Vision and driving

- [Vision and driving \[PDF 216 Kb\]](#)
- [Cataracts and driving \[PDF 206 Kb\]](#)
- [Macular Disease and driving \[PDF 194 Kb\]](#)
- [Glaucoma and driving \[PDF 208 Kb\]](#)

Driving with a disability

- [Learning to Drive with a disability \[PDF 215 Kb\]](#)

Older road user factsheets

- [Aging and safe driving \[PDF 280Kb\]](#)
- [Retiring from driving \[PDF 565Kb\]](#)

Further information

- [Getting around without a car \[PDF 85 Kb\]](#)
- [Your car and your safety \[PDF 335Kb\]](#)

Appendix B: Fitness to Drive information and resources for health professionals

Web page information, fact sheets and video that explain health professional responsibilities, provide links to fitness to drive standards, and resources, including fact sheets to support conversations with patients.



- [Information for Health Professionals](#) web page, includes [Fitness to Drive Video](#)
- [Fitness to drive - your role and duty of care](#) web page, includes the following resources:
 - [Fitness to drive information for Medical Practitioners \[PDF 827 Kb\]](#)
 - [Fitness to drive information for Ophthalmologists and Optometrists \[PDF 824 Kb\]](#)
 - [Fitness to drive information for Mental Health and Addiction Practitioners \[PDF 180 Kb\]](#)
 - [Fitness to drive information for Occupational Therapists \[PDF 823 Kb\]](#)
 - [Medical Fitness to Drive for Physicians: a podcast developed for medical practitioners by the Royal Australasian College of Physicians, April 2019\(External link\)](#)
 - Common FAQs surrounding health professionals' role and responsibilities:
 - [When should I think about reporting on a patient's fitness to drive?](#)
 - [What happens if a patient doesn't follow my advice to stop driving?](#)
 - [Is it mandatory to report a patient to VicRoads?](#)
 - [Can I recommend a conditional licence to a patient?](#)
 - [Who makes the decisions on driver licensing?](#)
 - [What about commercial vehicle drivers?](#)
- [Information resources to support conversations with patients](#) web page
- [Medical Review Process](#) web page