

Please Quote: VRPC007842
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Access and Operations
Level 10, 1 Spring Street
Melbourne, Victoria 3000

Mr Josh Munro
Coroners Registrar
Coroners Court Of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006



Dear Mr Munro

CORONERS INVESTIGATION - NICHOLAS B CARR

I refer to your correspondence dated 30 November 2016, addressed to Mr John Merritt, VicRoads' Chief Executive, regarding the investigation into the death of Mr Nicholas B Carr. I apologise for the delay in responding.

Firstly, VicRoads extends condolences to Mr Carr's family and friends.

The Coroner's recommendation states:

With a view to reducing harms to others and preventing like deaths, I recommend that consideration be given by the Secretary of the Department of Economic Development, Jobs, Transport and Resources, and VicRoads, to 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 medically fit to drive.

Response:

An alternative to the coroner's recommendations will be implemented.

VicRoads will continue to apply and refine the self and community reporting system framework to identify and review requirements for medically impaired drivers. VicRoads is developing and strengthening supports related to this community referral system as there is insufficient evidence relevant to the Victorian context to warrant a change to the current practice as outlined below.

1. VicRoads regularly reviews road trauma data, research and policy in the area of fitness to drive. To date there is no compelling body of evidence that demonstrates that mandatory reporting is more effective than self or community based referral into the VicRoads medical review system. Further, there are important sequelae of mandatory reporting that might lead to negative consequences if a compulsory medical reporting system was mandated.
2. As the coroner notes, VicRoads fitness to drive process relies on self and community reporting. There are four main ways at-risk drivers are notified to VicRoads: self, medical, community or police reporting. Any member of the public can also report anonymously providing they can supply identifying driver details. Under s27(5) of the Victorian Road Safety Act, third parties including health professionals, who notify VicRoads in good faith of their concerns about a person's fitness to drive are protected from legal action and can do so anonymously.

3. Drivers reported to VicRoads are required to undergo medical assessments and, if relevant, on-road competency tests related to their fitness to drive. Fitness to drive status is periodically reviewed in cases where drivers have conditions which are chronic, likely to deteriorate over time or depend on compliance with medical advice.
4. Fitness to drive licensing requirements are outlined in the national 2016 Assessing Fitness to Drive Guidelines (hereafter referred to as "AFTD guidelines"). The AFTD guidelines document the medical standards and examination requirements for driver licensing purposes for both private and commercial vehicle drivers. The Guidelines are directed for use by health professionals and all driver licensing authorities and are endorsed by medical and allied health professional bodies.
5. VicRoads is one of six Australian jurisdictions that does not have mandatory reporting for medical practitioners. The AFTD guidelines, together with jurisdiction specific requirements, support health practitioner patient management and reporting obligations.
6. The AFTD guidelines outline the health professional's duty of care obligations relating to both (a) assessing patients and advising them about the fitness to drive consequences of illness, medication use, disability or other impairments, and, (b) driver licensing authority reporting obligations. Health professionals are directed to refer drivers directly to the licensing authority in accordance with the AFTD guidelines, preferably with the driver's knowledge.
7. The AFTD guidelines also address public safety duty of care considerations including reporting options which apply when a medical practitioner suspects that drivers will not self-report, for example, when patients are unable or do not appreciate impacts of their condition on driving, have low insight, or are non compliant¹.
8. The coroner has noted that mandatory reporting may impact on doctor-patient relationships. Patients may "doctor shop" or not seek treatment for significant health issues resulting in potentially negative health, social and productivity outcomes as well as increasing road safety risks associated with untreated health conditions impacting on mobility.
9. Current research addressing fitness to drive mandatory medical reporting continues to highlight potentially counterproductive consequences of mandatory reporting. For example, a survey of Victorian general practitioners published in 2012² investigated fitness to drive identification and management issues including how doctors assess and report to the driving authority. The majority of survey respondents (79%) felt that reporting a patient would negatively impact on the doctor-patient relationship. Also, a 2012 Canadian study investigating impacts of a financially incentivised medical mandatory reporting system identified potential small reductions in road crash trauma, but also objective increases in patient depression and compromised doctor-patient relationships³.
10. Mandating medical practitioners to report medically unfit drivers to VicRoads will not necessarily ensure that such drivers or riders will comply with their licensing restrictions. Motorcycle rider fatalities were the biggest contributor

¹ Austroads and National Transport Commission, (2016), Assessing fitness to drive for commercial and private vehicle drivers, Section 3: Roles and Responsibilities, page 17, available from <http://www.austroads.com.au/drivers-vehicles/assessing-fitness-to-drive>

² Sims, J., Rouse-Watson, S., Schattner, P., Beveridge, A. and Jones, K.M. (2012). To drive or not to drive: Assessment Dilemmas for GPs. *International Journal of Family Medicine*, Vol 2012, ID 417512.

³ Redelmeier, D.A., Yarnell, C.J., Thiruchelvam, D. And Tibshirani, R.J. (2012). Physicians' warnings for unfit drivers and the risk of trauma for road crashes. *New England Journal of Medicine*, 367: 13, downloaded from www.nejm.org on Jan 5, 2017.

to the rise in the 2016 road fatalities, up 90 per cent compared to 2015. Risky behaviours including speed, illicit drug use, lack of protective gear and unlicensed riding were responsible for the majority of rider deaths⁴.

11. VicRoads is enhancing the existing self and community reporting system of referring medically impaired drivers for medical review by:
- Requiring in licence and learner permit application forms the completion of health information highlighting driver licensing obligations related to key risk-related medical conditions and medication use considerations.
 - Recognising that driving abilities and needs change across the lifespan, VicRoads grants and renews licences to drivers aged 75 years and over for three year periods, to encourage them to assess their fitness to drive on a regular basis.
 - In Towards Zero 2016 - 2020 road safety strategy, VicRoads and other road safety partners have committed to introducing an online medical report form to assist VicRoads and health professionals improve the quality and timeliness of fitness to drive assessment processes. VicRoads is also exploring the licensing and medical review educational benefits and health screening opportunities afforded by drivers over 75 presenting to a customer service centre for licence renewals.
 - Enhancing the community model for reporting medically impaired drivers by recognising that the model depends on the public knowing about and valuing the role VicRoads can play in supporting safe community mobility across the lifespan. Through its regularly reviewed website, publication materials and communication activities, VicRoads encourages health professionals and family members to have conversations with older and medically impaired people about keeping in optimal health and discussing their ability to drive with their health practitioners.
 - Producing and providing free of charge upon request several resources including "The Victorian Older Drivers' Handbook", which provides extensive information to help people assess their fitness to drive. VicRoads information for health professionals, medically impaired and older drivers and their family and friends is also available online at: vicroads.vic.gov.au

For further information, please contact Ms Robyn Seymour, Director, Road User and Vehicle Access (Tel: 9854 2550).

Yours sincerely



ANITA CURNOW
EXECUTIVE DIRECTOR, ACCESS AND OPERATIONS

31/1/2017

⁴ Making Victorian roads safer in 2017, Media Release, Sunday 1 January 2017, downloaded from <http://www.premier.vic.gov.au/making-victorian-roads-safer-in-2017/>