

Ms Sarah Thompson  
Coroner's Registrar  
Coroners Court of Victoria  
Level 11, 222 Exhibition Street  
**MELBOURNE VIC 3000**

### **INQUEST INTO THE DEATH OF RACHEL INCOLL – Case Ref 1244/2008**

Thank you for your letter of 5 December 2011, enclosing the Coroner's findings and recommendations arising from the Inquest into the death of Mrs Rachel Incoll.

Learner drivers under supervision are generally the safest drivers on Victorian roads. Learner drivers aged 16 to 18 in Victoria are involved in an average of four fatal crashes per year (or about one per cent of all fatal crashes). This was noted in VicRoads' submission to the Inquest.

VicRoads' submission to the Inquest also specified that research shows that learners who accumulate 120 hours of supervised experience have a reduced crash risk as newly licensed drivers of around 30% compared with learners with much less experience.

The accumulation of extensive supervised on-road experience hours is a key component of Victoria's young driver safety initiatives. Recent German research shows that supervised learner experience with parents confers significant novice driver crash and offence reductions compared with professional lessons alone.

It is important that requirements for supervising drivers do not unduly deter parents, relatives or friends from providing valuable on-road supervision to learner drivers. To do so may inadvertently lead to the reduction of on-road supervised experience by learner drivers and the consequential increase in road trauma among newly licensed drivers.

VicRoads' response to the three recommendations is provided in Attachment A.

The responsible officer in respect of these matters is Mr James Holgate, Director – Road User Safety. Mr Holgate can be contacted at [james.holgate@roads.vic.gov.au](mailto:james.holgate@roads.vic.gov.au) or on tel: 9854 2550, should you wish to discuss this matter.

Yours sincerely



**GARY LIDDLE**  
**CHIEF EXECUTIVE**

10/2/2012

**VicRoads' response to the Coroner's recommendations**

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**Recommendation 1** *“VicRoads should consider strengthening its message on fatigue on long journeys, especially in relation to young and inexperienced drivers.”*

The Coroner's recommendation will be implemented.

VicRoads will strengthen the fatigue message for both learner and supervising drivers in materials aimed at these two groups.

The handbook studied to obtain a learner permit, the *Road to Solo Driving*, currently has a section devoted to fatigue, its causes, signs and ways to avoid/reduce it. This information is also contained on the VicRoads website.

While both the *Supervising Drivers Guide* and the *Guide for Learner Drivers* point out that the learner and supervisor should not be tired before or during any practice session and the importance of both the supervisor and the learner drivers getting enough sleep, this information could be expanded to strengthen the fatigue message.

VicRoads will also review the use of the term fatigue. The term 'tired' (a sign of fatigue) may be better in this context as fatigue is often only associated with driving at night or on long trips.

**Recommendation 2** *“Consideration should also be given to some assessment procedure for qualifying prospective 'supervising drivers'.”*

The Coroner's recommendation will not be implemented. VicRoads has already considered whether such an assessment procedure would provide an increased road safety benefit.

Learner drivers are the safest of all driver groups with those aged 16 to 18 only being involved in around four fatal crashes annually. However, once licensed, novice drivers have the highest crash rates of all driver categories. Learner drivers with extensive (120 hours on average) on-road supervised experience have around a 30% reduced crash risk once licensed compared to learners with much less experience. The accumulation of extensive on-road supervised experience, much of which is provided by parents and friends, is a key safety outcome of Victoria's young driver safety initiatives.

If such a recommendation was implemented, it is likely that a large number of parents/friends and other supervisors would become unavailable to provide the learner driver with on-road driving experience because they would not want to undertake a course and assessment to become a qualified supervising driver. This would increase the difficulty for learner drivers to maximise their on-road experience by such experienced drivers requiring more learners to seek and pay for professional instruction. There would also be considerable costs to government to introduce and maintain a course, assess supervisors and issue and manage a proof of qualification process.

As a consequence, it is likely that there would be an increase in reporting of the system to falsify log books, or the community may demand (due to the high costs or delays incurred in gaining a licence) that the 120 hour requirement be abandoned or reduced. In limiting the total amount of on-road supervised experience for relatively safe learner drivers, an unintended effect of this recommendation may possibly lead to an increase in the crash risk in an already high risk young novice driver category, thereby increasing road trauma overall.

Recent German research shows that learner drivers who gain their on-road experience exclusively by the use of trained professional driver instructors have significantly higher crash and offence rates once licensed than those learner drivers who gain supervised driving experience through 'untrained' parents. This occurs because the 'untrained' parents provide more extensive levels of on-road driving practice. The research shows the key contributor to crash risk is the amount of on-road supervised driving experience acquired, not the qualifications of those providing the driving experience. Therefore, a supervisor's course for parents and friends of the learner driver is unlikely to improve safety outcomes.

It is VicRoads' view that requiring parents/friends to qualify as prospective supervising drivers is unlikely to reduce the risk of a fatal crash such as this one from occurring again in the future. Rather, it is likely to inadvertently increase road trauma among young/novice drivers.

**Recommendation 3** *“VicRoads should consider recommending a legislative amendment to the Minister, setting out clearly the roles and duties of the supervising driver, either in the Act or the Regulations.”*

The Coroner's recommendation will not be implemented. VicRoads has already considered the viability of a legislative amendment.

The *Road Safety Act 1986* currently sets out certain circumstances in which a supervising driver can be charged with a criminal offence if they are caught breaching one of their duties. This emphasis is important as there is little benefit in simply stating duties without having any consequences or penalty for failing to comply with such statutory duties.

For a law to be effective, it must be enforceable, it must be enforced and it must have consequences an offender wishes to avoid. For example, a current requirement of a supervising driver is that they not exceed 0.05 BAC. This is enforceable as police are able to objectively measure BAC levels at the roadside.

There is no objective test of fatigue. For supervisors to comply with such a law, supervisors would need to clearly know at what point in time they legally become fatigued. In addition, unless an admission is made, a law specifying a supervisor must not be fatigued would be difficult to enforce.

VicRoads currently produces a document entitled *Guide for Supervising Drivers* within the L Kit given to all new learners. This sets out the roles and duties of supervising drivers. This document is also made available on the VicRoads website.

VicRoads does not consider it necessary to legislate in relation to the roles and duties of the supervising driver beyond what has already been legislated. To do so is unlikely to contribute to improved road safety outcomes.