



Ms Zoiee King  
Coroners Registrar  
Coroners Court of Victoria  
Level 11, 222 Exhibition Street  
**MELBOURNE VIC 3000**

Dear Ms King

**INVESTIGATION INTO THE DEATH OF ANTHONY IANNETTA,  
BENJAMIN HALL, WILLIAM TE-WHARE, MATTHEW LISTER AND  
STEVEN JOHNSTONE**

I refer to your letter dated 21 December 2012, regarding the coronial investigation into the death of Anthony Iannetta, Benjamin Hall, William Te-Whare, Matthew Lister and Steven Johnstone.

I note the recommendations made by the Coroner, Ms Heather Spooner, on this matter. A written response to her recommendations is attached.

If you require further information, Ms Antonietta Cavallo, Manager Road User Behaviour (Tel: 9854 2714), would be pleased to assist.

Yours sincerely



**BRUCE BIDLEY  
ACTING CHIEF EXECUTIVE**

15 / 3 / 2013

# **VICROADS RESPONSE TO THE CORONER'S RECOMMENDATIONS FROM THE INVESTIGATION INTO THE DEATH OF ANTHONY IANNETTA, BENJAMIN HALL, WILLIAM TE-WHARE, MATTHEW LISTER AND STEVEN JOHNSTONE**

## **INTRODUCTION**

The Coroner has highlighted the key factors contributing to the deaths of Anthony Iannetta, Benjamin Hall, William Te-Whare, Matthew Lister and Steven Johnstone. The behaviour of the driver, Mr Johnstone on the night of the crash and his poor driving record, demonstrate that he was among an atypical group of young drivers who regularly engage in high risk taking behaviours. This differs greatly from the majority of young drivers who infrequently engage in deliberate risk taking and occasionally breach road traffic laws.

The new Graduated Licensing System (GLS) laws and supporting programs have been designed to reduce the crash risk of new drivers. In addition, a number of interventions developed by VicRoads and other road safety agencies aim to also empower young passengers to make safe and appropriate decisions. These programs target young people and their families, communities and schools. The atypical group to which Mr Johnstone belonged tends to be immune to these interventions. However, VicRoads and its partner road safety agencies continue to aim to address the safety of all road users, and reduce the road toll involving the atypical group to which Mr Johnstone belonged.

**RECOMMENDATION 1: To improve compliance with passenger restrictions for probationary drivers, VicRoads should undertake a review into the appropriateness and feasibility of creating an offence for passengers who knowingly breach a vehicle passenger restriction.**

*This recommendation is accepted in principle. In consultation with the Department of Justice and Victoria Police, VicRoads will review the need for a penalty for peer aged passengers who knowingly travel with a P1 driver.*

In 2006, VicRoads reported that the carriage of more than one passenger increases the fatal crash risk of young novice drivers by a factor of about four. The recent evaluation of the GLS shows that the peer passenger restriction is proving effective, with a reduction of almost 60 per cent of first year drivers involved in casualty and serious crashes with multiple passengers.

Under the current Victorian laws, the legal onus is on the P1 driver to ensure that he/she does not exceed the peer passenger limit.

Applying a fine to peer passengers detected in a vehicle driven by a P1 driver might deter some passengers from engaging in such behaviour, but there is no research evidence available regarding such a law. However, any potential benefits need to be assessed with due consideration to how such penalties would be enforced and applied. For example:

- The young age (under 17 years) of some passengers may make it difficult to impose penalties unless the matter proceeds to the Children's Court.
- Passengers would need to know the ages of all other passengers, the relationship of each passenger to the driver (as passengers who are immediate family members are exempted), and whether the driver is subject to a peer passenger restriction. Police would need to have proof that the passengers knew these ages and relationships to enforce this penalty.

The potential benefit of such a penalty, over and above the current passenger restrictions, is unknown. Research shows that in order to deter people from behaving illegally, the risk of detection and the certainty of a penalty are critical. Therefore, police support and the ability for them to easily enforce such a law is important.

**RECOMMENDATION 2: VicRoads examine the impact of the night driving restriction currently imposed on probationary drivers in Western Australia, to gather further evidence to inform the ongoing review into the feasibility of night driving restrictions for probationary drivers in Victoria.**

*This recommendation is accepted in principle. VicRoads will examine the impact of night driving restrictions and will review any evaluations of the Western Australian GLS if they become available.*

There is a significant amount of research that shows that night time restrictions are a beneficial element of graduated licensing systems used overseas. Evidence suggests that crashes at night involving young drivers are two to three times greater than during the day even though driving exposure is lower at night.

Victoria's GLS does not currently include restrictions on late night driving by P1 drivers. The potential inclusion of a night driving restriction was considered in the consultation period leading up to the GLS changes in 2007/08. However, at the time the Government considered that there was insufficient public support for such a measure, and that such a measure may have an adverse effect on the personal safety of young people and on young people's mobility, particularly those residing in rural areas.

Western Australia introduced a late night driving restriction (12 am to 5 am) as part of its GLS in 2008. It applies for the first 6 months of the probationary licence. It is important to note that there are some differences between the Victorian and Western Australian GLSs. In Western Australia, licences are issued at 17 years rather than 18 years, its GLS does not include peer passenger restrictions, and it only has a requirement for 50 hours of supervised learner driving experience before licensing compared with Victoria's 120 hours. These differences would need to be taken into account when reviewing the applicability of the Western Australian experience with a night driving restriction to Victoria.

VicRoads understands that Main Roads Western Australia has no plans for an evaluation of its night time driving restriction for probationary drivers at this point in time.

**RECOMMENDATION 3: VicRoads and the Transport Accident Commission (TAC), in association with their other road safety education partners, undertake an evaluation of the Fit to Drive community road safety program for secondary school students to determine the success of the program in empowering participants to make safe decisions, modify their behaviour and reduce their crash risk.**

*This recommendation is accepted in principle. VicRoads, together with the TAC will undertake an evaluation of the Fit to Drive Program for secondary school students.*

One of the aims of the Fit to Drive Program is to empower young passengers to make safe and appropriate decisions when with their peers. VicRoads is currently facilitating and supporting a revision of the content of the Fit to Drive Program based on best practice, relevant evidence and input from road safety behavioural experts. The existing program will continue during 2013 and it is anticipated that the revised program will commence delivery in 2014. In addition, as part of the Victorian Government's new Road Safety Action Plan launched in February 2013, the Fit to Drive Program will be expanded to be available in all secondary schools in Victoria.

An evaluation plan will be developed and implemented as part of the roll-out of the revised program. It is likely that the proposed evaluation would assess:

- How many schools utilise the program and how many students attend.
- The impact of the program on the students' behaviour and knowledge of strategies to manage the risks associated with peer pressure.
- How the program could be improved and further promoted.

It is likely that any evaluation would need to continue over more than one school year to be comprehensive. It is envisaged that the evaluation would be a joint initiative between VicRoads, the TAC and Fit to Drive using road safety experts and psychologists.

**RECOMMENDATION 4: VicRoads investigate options to expand the circumstances in which alcohol ignition interlock devices are fitted to the vehicles of certain drivers who have demonstrated a propensity to repeatedly engage in high risk driving behaviours, particularly probationary drivers.**

*This recommendation is accepted in part. The Victorian Government has announced it will expand the current alcohol interlock program to all convicted drink drivers.*

The current alcohol interlock program in Victoria applies to:

- drivers who have two or more drink driving offences;
- drivers with an offence which involves a blood alcohol concentration (BAC) of .15 or higher; and
- drivers who have one offence and are under 26 years or on a probationary licence at the time of the offence which involves a blood alcohol concentration of .07 or more.

In addition, as part of the Victorian Government's new Road Safety Action Plan launched in February 2013, alcohol ignition interlocks will be expanded to apply to every convicted drink driver, including low-level and first offences.

While alcohol interlock programs have proven to be effective for offenders, expanding the alcohol interlock program to potentially "high risk" drivers may not be appropriate given that interlock programs are designed for a drink driver offender population and the interlock devices are expensive to purchase and to calibrate.

However, in the long-term passive alcohol sensor devices are being designed overseas for a broader population group and could potentially have a range of uses ranging from offender groups to the drivers of entire vehicle fleet (refer to response to Recommendation 5).

**RECOMMENDATION 5: VicRoads, in collaboration with their road safety partners, continue to monitor and trial where necessary, emerging vehicle safety technology with the real potential to address excessive speeding and drink driving, in particular for those high-risk drivers who have demonstrated poor self-control and a failure to respond to conventional road safety interventions. Such technology would include passive alcohol sensors, vehicle speed limiters and Ford's My Key technology.**

*This recommendation is accepted. VicRoads will monitor emerging vehicle safety technologies and will review whether there are any likely benefits in passive alcohol sensors, vehicle speed limiters and Ford's My Key technology for high-risk drivers.*

Passive alcohol sensors are designed to detect alcohol exhaled in breath or on the skin of the driver and prevent the vehicle from being started or operated when illegal levels of alcohol are detected. While this technology has road safety potential, it will be some time until the technology is ready for roll-out in the light vehicle fleet. In the US, a five year trial is underway that is being funded by NHTSA (National Highway Transportation Safety Administration) and the automotive industries. The trials are in the early stages with a test vehicle due to be developed by the end of 2013.

Eventually, passive alcohol sensor technology, as well as other technologies like speed limiting devices, Ford's My Key technology and in-vehicle data recorders will have the potential to allow for greater control and monitoring of young driver behaviour. VicRoads will continue to monitor developments and the outcomes of any relevant trials in the future and will review whether there are any likely benefits for high-risk drivers.