GOVERNMENT RESPONSE TO THE REPORT OF THE ROAD SAFETY COMMITTEE OF PARLIAMENT ON THE EFFECTS OF DRUGS (OTHER THAN ALCOHOL) ON ROAD SAFETY IN VICTORIA

INTRODUCTION:

The presence of potentially impairing drugs in dead and injured drivers is unacceptably high. Available research has shown that a quarter of all drivers killed in crashes had drugs in their bodies and it is now known that drivers who consume drugs alone or with alcohol have a higher risk of being in a fatal crash than drivers who are drug free.

Growing concern among police, coroners and road safety organisations about the use of both legal and illegal drugs, contributed to the establishment by the Government of the Road Safety Committee of Parliament Inquiry into the Effects of Drugs (Other than Alcohol) on Road Safety in Victoria in 1994.

Drugs of all types are widely used in Victoria as they are in other comparable Western communities. Some drugs such as alcohol are recreational, some are medications for the ill or elderly, and some are illegal or are substances of abuse.

In most instances drugs are not required for a person to drive a motor vehicle safely. Irrespective of whether they are used for medicinal or illegal purposes some can impair a person's ability to drive safely. In Victoria, the drugs of most concern in regard to road safety are amphetamines and other stimulants, benzodiazepines (minor tranquillisers) and cannabis.

The possible combinations of drugs, alcohol and their effects on road users are extensive and unpredictable, and a new strategy to prevent and deter people from driving while impaired is required.

The cost of road crashes where drugs alone or when mixed with alcohol were present, was $143 million in 1993 according to the report of the Parliamentary Road Safety Committee. These crashes represented one-eighth of the State's road toll.

The Parliamentary Road Safety Committee examined the actions being taken to reduce the harm associated with drug impaired driving in other States of Australia and overseas. The Committee's recommendations represent the most successful measures that can be taken to reduce the costs associated with drug impaired driving.
The following response to the recommendations of the Parliamentary Road Safety Committee Inquiry recognises these issues and supports the Government's "Turning the Tide" program which was established as a result of the recommendations of the Premier's Drug Advisory Committee.

The Government will establish a Task Force led by VicRoads of road safety, health, justice, police, pharmaceutical, motoring and transport organisations and a public advocate to establish priorities, co-ordinate activities and oversee the work of two specialist working groups. This Task Force will also monitor the implementation of a plan to address the effects of drugs other than alcohol on road safety in Victoria.

RECOMMENDATION 1

"That the Federal Office of Road Safety be urged to seek the development of international scientific guidelines, procedures and methods of comparison for the conduct of drug impairment experiments on driving performance."

Response:

This recommendation is supported. Although the work done to date in Victoria justifies actions on recommendations from this Inquiry, an international guide to drug impairment experiments would be beneficial.

Victoria through the expertise gained by its Institute of Forensic Medicine is in a strong position to influence the development of such a guide.

No internationally agreed testing procedures exist for measuring the effect of drugs on driver performance, and the Federal Office of Road Safety should seek the development of international scientific guidelines.

A paper recommending the development of these above international scientific guidelines, procedures and methods will be presented to the Australian Transport Council in late 1997.

RECOMMENDATION 2

"That Victorian crash fatality studies be continued and the co-operation of other Australian States be encouraged so as to increase sample sizes."
Response:

This recommendation is supported. The presence of drugs other than alcohol in dead Victorian drivers appears to be increasing. The data which are available indicate that the incidence of drugs in drivers killed is now comparable to the incidence of alcohol.

The work that has been done by the Victorian Institute of Forensic Pathology in identifying the presence of drugs in dead Victorian drivers will be continued. Also a paper recommending that all other Australian States participate in such work will be presented to the Australian Transport Council in late 1997.

RECOMMENDATION 3

"That an investigation into the role of drugs in injury crashes be undertaken to define which driver groups are users of illegal and medicinal drugs so as to provide guidance in developing countermeasures ".

Response:

This recommendation is supported. There is a significant amount of information about fatal crashes, and it appears that drugs are also a key factor in injury crashes. Limited information is available in Victoria on drugs found in drivers injured in crashes and blood samples routinely collected in hospitals are not analysed for drugs. There is no central collection of evidence of possible drug involvement in injury crashes. There is a need for a database to be established which maintains information from police, hospitals and coroners on drugs involved in road crashes.

VicRoads will investigate the alternative methods available to implement this study, including co-operation with other States undertaking similar investigations, and will report to the Government by mid 1998.

RECOMMENDATION 4

"That information on the type and amount of illegal and medicinal drugs found in deceased or injured persons obtained by police, coronial services and public hospitals be held in a single database managed by VicRoads to determine the frequency and cause of driver impairment ". 
Response:

This recommendation is supported. This recommendation and recommendation 30 require information to be recorded. The Task Force, established as a result of recommendation 40, will have the responsibility of ensuring that there is full compatibility of any additional information systems with the existing systems operated by Police, VicRoads and the State Coroners Office. The Task Force will also be required to ensure that issues such as confidentiality, privacy, access and compatibility with existing systems are properly addressed, and will report to the Government by mid 1998.

This Task Force will also be required to report on recommendations 20, 21, 32, 33, 34, and 36.

RECOMMENDATION 5

"That the offence of driving under the influence of a drug be replaced by the offence of driving while impaired".

Response:

The objectives underlying this recommendation are supported, subject to further consideration in the course of preparing legislation.

The Government supports the Parliamentary Committee's conclusions concerning the notion of impairment, and the restrictive and proscriptive nature of the current legislation of 'driving under the influence of drugs' in the Road Safety Act.

There will be certain prescribed defences or exemptions to address situations where impairment is not caused by drugs, for example when impairment is due to sudden or unpredicted illness such as heart attack or stroke.

The threshold measure of impairment will be the failure of both the roadside impairment test and the second more detailed standard impairment test. Overseas experience with these tests has shown that they are only effective with drivers who are significantly impaired, for example they are able to identify drivers with an impairment greater than that produced by alcohol levels in excess of 0.1%, which is double the current legal limit for most drivers.

The Government intends to amend the relevant sections of the Road Safety Act and an amending Bill will be introduced into the Parliament in 1998, at which time the specialist working groups established under other recommendations will have produced their reports.
RECOMMENDATION 6

"That the Road Traffic Act 1986 be amended to incorporate a generic definition of a drug based on the legislative models found in Queensland and California ".

Response:

The Road Traffic Act 1958 was repealed in 1983 by the Transport Act 1983 and the reference to the definition of "drugs" is contained in Section 3 of the Road Safety Act 1986. The intent of this recommendation is supported. The Government intends to amend the relevant sections of the Road Safety Act 1986 and an amending Bill will be introduced into the Parliament in 1998.

RECOMMENDATION 7

"That the Road Traffic Act 1986 be amended to give Victoria Police specific power to require drivers suspected of being impaired to undergo a roadside test of impairment and if necessary a second more detailed test ".

Response:

This recommendation is supported in principle pending the specific outcome of the determinations of the working party proposed to be established under recommendation 8.

The recommendation for police action is based on observation of the behaviour of drivers rather than on the issue of consumption of a particular drug. Impairment is a reduced ability to perform adequately the various elements of the driving task. It can be caused by health or physical conditions, fatigue, psychological conditions, distraction or inappropriate consumption of alcohol, drugs or other substances.

Drivers observed to be significantly impaired would be removed from the road. Where police had reasonable cause to suspect, after two impairment assessment tests, that impairment was drug-related they would have the power to have blood and urine samples taken to confirm their observations.

Standardised impairment testing is not widely practised in Australia and there is none in Victoria. The United States of America is the major user of such a testing program. The program was developed in the 1970's by the Los Angeles Police Department. It is a standardised, systematic method of observing and examining drivers suspected of being impaired by alcohol and/or drugs.
Police are trained as drug recognition experts to recognise behaviours and physiological conditions associated with seven categories of drugs. The program has been widely evaluated for its accuracy and is now used in many American States.

However, such an intensive level of police training cannot be justified for Victoria. The judicial environment in the United States differs so much from Victoria that their legislative and testing requirements are not readily transferable.

The Victorian Impaired Driving Detection Procedure will be based on a modification of the Los Angeles Model and will be devised by a specialist working party of experts including a public advocate.

When police suspect a driver of drug impaired driving they would require the driver to stop and undertake a standard breathalyser test. If the breathalyser shows that the driver's blood alcohol concentration is within legal limits, or if a breath sample cannot be obtained, but the police officer suspects that the impairment is due to drugs, the driver could be required to leave the vehicle and undertake a roadside impairment assessment test. Failure of this test would be the precursor to the second or standard impairment assessment test.

The standard impairment assessment test would determine whether impairment was due to drugs or another cause, such as ill-health, medication or age. Failure of the second assessment will require the police to determine if the prosecution is to proceed. If the case is to proceed a qualified person would obtain blood and/or urine samples from the driver for analysis to identify any drug(s) present.

Legislation to require the video recording of the second test to protect the rights of drivers and ensure that police followed procedures, has also been recommended and will be considered in the development of the overall legislation.

The proposed Victorian standard impairment assessment test may not contain some elements of the United States test, such as the darkroom eye examinations and measurements of blood pressure, body temperature and pulse rate.

The proposed Victorian procedure would be more extensive than the procedures being used in New South Wales as it would require a second systematic set of observations to be conducted indoors by a more highly trained police officer.

The Government intends to amend the relevant sections of the Road Safety Act 1986 and an amending Bill will be introduced into the Parliament in 1998.

RECOMMENDATION 8

"That a specialist working party determine the components of the test procedures ". 
Response:

This recommendation is supported. The Police Working Party established as a result of recommendation 24, will be required to examine the components of the tests and report by early 1998. This working party will also be required to report on recommendations 9, 24, 26 and 29.

RECOMMENDATION 9

"That where a driver fails the second impairment test and Police conclude that the impairment may be drug-related and prosecution is contemplated a sample of blood and/or urine shall be provided and analysed for drugs ".

Response:

The objectives underlying this recommendation are supported, subject to further consideration in the course of preparing legislation.

The Police Working Party will also be required to determine the components of the body fluid collection and analysis system and report by December 1997.

The Government intends to amend the relevant sections of the Road Safety Act 1986 and an amending Bill will be introduced into the Parliament in 1998.

RECOMMENDATION 10

"That an integrated campaign of information and education be provided to each sector of the driving community from the adolescent pre-driver through to the older motorist highlighting the risks of driver impairment due to drugs ".

Response:

This recommendation is supported. Publicity campaigns have been used effectively to reduce social problems, particularly when they are supported by enforcement activities. Such integrated information campaigns targeting "at risk" groups are an important part of the Governments strategy to reduce drug impaired driving.

The Transport Accident Commission will commence this integrated campaign of information and education in the 1997/98 financial year as a component of the annual road safety priorities plan.
RECOMMENDATION 11

"That publicity emphasise that combinations of drugs, or drugs mixed with alcohol, increase the risks of injury or death in a crash ".

Response:

This recommendation is supported. There can be a powerful synergy between drugs and even small amounts of alcohol, which can produce significantly increased levels of driver impairment.

The Transport Accident Commission will commence this publicity in the 1997/98 financial year as a part of their annual road safety activity plan.

RECOMMENDATION 12

"That emphasis on the effects of drugs on driver performance and road safety be incorporated in driver training curriculums and materials and licence testing procedures ".

Response:

This recommendation is supported. Young and inexperienced drivers are not only a high risk accident group but are also over represented in terms of drug experimentation. Information on drug impaired driving will be provided to young people during driving training and licencing.

VicRoads will develop detailed proposals for incorporating appropriate information in driving training materials and licence testing procedures by early 1998 and will implement these initiatives by December 1998.

RECOMMENDATION 13

"That pharmaceutical manufacturers be required to advise the Federal Government of the drugs and the dosages that may impair driver performance so that Australian police forces can be advised of the potential levels of impairment and to enable the medical profession and patients to make a decision on other medicinal alternatives ".

Response:

This recommendation is supported in principle. Pharmaceutical companies provide detailed information to the Commonwealth Government about adverse reactions to drugs during clinical trials and any reactions that are reported following marketing of new drugs in other countries. However, it is considered that additional information on the impairment potential of drugs is important not only for road safety, but also for industrial safety.

The relationships between drug dosage and impairment are complex, however the tendency for drugs to impair performance at work and during driving, should be investigated by pharmaceutical companies and such information should be a part of Commonwealth Government drug registration requirements.

The Government will request VicRoads to convene a specialist working group of Government Health and Workcover representatives and key stakeholders in the pharmaceutical and relevant health industries, to develop a detailed proposal by December 1997, for the consideration of the Minister for Health and the Australian Health Ministers' Advisory Council. This Pharmaceutical and Medical Working Party will also be required to report on recommendations 14, 16, 17, 18 and 19.

RECOMMENDATION 14

"That a Code of Practice and associated publicity campaign be developed for pharmaceutical manufacturers, doctors and pharmacists to advise patients on the possible effects on driver performance of drugs they are producing, prescribing and dispensing ".

Response:

This recommendation is supported as it is important that when pharmaceutical companies identify the impairment properties of new drugs then this information should be passed to doctors, pharmacists and drivers.

The Pharmaceutical and Medical Working Party will be requested to develop detailed proposals to establish a Code of Practice and report by early 1998.

RECOMMENDATION 15

"That a climate be created which encourages patients to accept personal responsibility for seeking information from their doctors or pharmacists about the driver-impairing effects of prescribed medication ". 
Response:

This recommendation is supported, however it is recognised that implementation of this initiative should be integrated with recommendations 11, 12, 13 and 14. Appropriate publicity will be commenced in the Road Safety Priorities Program in 1997/98.

RECOMMENDATION 16

"That the symbols of a motor vehicle and a wine glass in red circles with red diagonal slashes be affixed to all medications that may impair driving particularly if consumed with alcohol".

Response:

This recommendation is supported in principle, subject to the agreement of other Australian State and Territory Governments and the Federal Government.

The Pharmaceutical and Medical Working Party will be requested to develop a detailed proposal on this recommendation and also recommendations 17 and 18, which will be submitted to the Minister for Health and the Australian Health Ministers' Advisory Council. The working group will report by early 1998.

RECOMMENDATION 17

"That manufacturers affix the warning labels to their products prior to distribution to pharmacists".

Response:

This recommendation is supported in principle and the response to recommendation 16 is also relevant to this recommendation.

RECOMMENDATION 18

"That warning labels remain clearly visible and not be covered or removed by pharmacists".

Response:

This recommendation is supported in principle and the response to recommendation 16 is also relevant to this recommendation.
RECOMMENDATION 19

"That training courses and information on the effects of drugs on driver performance and road safety continue to be developed and provided to qualified and student medical, nursing and pharmacy professionals".

Response:

This recommendation is supported. Health care professionals are key groups in the Government's strategy to reduce drug impaired driving and they need information resources to participate effectively.

The Pharmaceutical and Medical Working Party will be requested to report on the development of these information resources by March 1998.

RECOMMENDATION 20

"That any person who drives a commercial vehicle under the provisions of the Road Traffic Act 1986 be free of any drug or substance of impairment beyond a prescribed dosage ".

Response:

The objectives underlying this recommendation are supported, subject to further consideration in the course of preparing legislation and subject to investigations being able to identify the appropriate prescribed dosage.

The Task Force, established as a result of recommendation 40, will have the responsibility of investigating prescribed dosage levels for commercial vehicle drivers and potentially cost effective proposals will be considered for funding in the 1998/99 financial year.

RECOMMENDATION 21

"The principle apply that when a fine is imposed on a driver found to be impaired while in charge of a commercial vehicle the same fine shall be imposed upon the employer ".

Response:

The objectives underlying this recommendation are supported, subject to further consideration in the course of preparing legislation.
The Task Force, established as a result of recommendation 40, will have the responsibility of investigating options for penalties and legislation amendments, as changes of this type may be appropriate for Occupational Health and Safety legislation. This Task Force will also be required to report on the practical operation of the system changes needed to implement this recommendation. This report will include consideration of issues such as confidentiality and privacy and will be presented to the Government by March 1998.

**RECOMMENDATION 22**

"That fatigue management programs in the road transport industry be supported to eradicate the abuse of stimulant drugs taken to combat driver fatigue ".

**Response:**

This recommendation is supported. The Government supports the development of fatigue management programs and some Victorian companies have applied for accreditation in the National Fatigue Management Scheme. This is currently being developed through cooperation between Australian road and traffic authorities under the auspices of the National Road Transport Commission.

**RECOMMENDATION 23**

"That proposed driver impairment assessment legislation and police training be supported by publicity which stresses impaired drivers will be detected, tested and where appropriate, penalised".

**Response:**

This recommendation is supported. This publicity is an important element of the Government's strategy and will act as a powerful deterrent to drug impaired driving. It will be developed in association with the introduction of the proposed legislation. The Transport Accident Commission will incorporate this publicity into the annual Road Safety Priorities Program.

**RECOMMENDATION 24**

"That a specialist working party headed by Victoria Police develop the education, training, accreditation, operating procedures and data recording methods required under the Impaired Driving Detection Procedure ".
Response:
This recommendation is supported. The Government will request the Victoria Police to convene this specialist working party to report on detailed proposals by early 1998. This working party will also be required to report on recommendations 8, 9, 26 and 29.

RECOMMENDATION 25

"That a public advocate be a member of the specialist working party ".

Response:
This recommendation is supported.

RECOMMENDATION 26

"That police be trained to conduct roadside driver impairment tests and presentation of evidence in court".

Response:
This recommendation is supported. The Police Working Party will develop the training programs required to implement this recommendation and these proposals will be included in the report of this group which is due by early 1998.

RECOMMENDATION 27

"That police officers trained in the application of the Standard Impairment Assessment test be located at every 24 hour police station ".

Response:
This recommendation is supported and is considered to be the minimum deployment necessary.

RECOMMENDATION 28

"That overseas experience with the Drug Recognition Expert procedures be monitored to determine whether elements need to be included in Victorian procedures ".
Response:

This recommendation is supported as impairment testing has been successfully introduced into many overseas jurisdictions.

VicRoads will be requested to monitor overseas experience with the Drug Recognition Expert Scheme and in conjunction with the Police to identify any changes which may be applicable for the Victorian procedures. This will be done on an annual basis following implementation of the Victorian system, with the first report due in December 1998.

RECOMMENDATION 29

"That all drivers suspected of being impaired be recorded by video camera when undergoing the Standard Impairment Assessment test ".

Response:

This recommendation is supported in principle. The Police Working Party will develop details of the video component of the testing procedures and will include these in the report which is due in early 1998.

RECOMMENDATION 30

"That a central database be maintained by VicRoads to record the results of all police observations, driver impairment tests conducted in the field and at a police station, chemical testing of blood and urine and any subsequent action taken for instances of suspected driver impairment not due to alcohol ".

Response:

This recommendation is supported in principle. The Task Force, established as a result of recommendation 40, will have the responsibility of ensuring that there is full compatibility of any additional information systems with the existing systems operated by Police, VicRoads and the State Coroners Office. The Task Force will also be required to ensure that issues such as confidentiality, privacy, access and systems integration are properly addressed, and will report in early 1998 on the practicality of establishing such a central system and its estimated benefits and costs.
RECOMMENDATION 31

"That the identity of a person suspected of driver impairment be held in confidence by the Victoria Police and not be included in a central database unless convicted".

Response:

The objectives underlying this recommendation are supported subject to further consideration in the course of preparing legislation.

RECOMMENDATION 32

"That standard analytical methods, quality control procedures and performance targets be set for the screening of urine and blood samples for drugs at police and forensic laboratories ".

Response:

This recommendation is supported. The Task Force, established as a result of recommendation 40, will have the responsibility of developing a detailed program covering quality control and performance, to report by mid 1998.

RECOMMENDATION 33

"That computerised techniques for the testing of blood samples presently being developed be supported to ensure prompt delivery of test results ".

Response:

This recommendation is supported. The Task Force, established as a result of recommendation 40, will be required to examine computerised techniques for the testing of blood samples and will include the result of their investigations in their mid 1998 report.

RECOMMENDATION 34

"That police be authorised to require driver impairment tests and body fluid samples from any driver involved in a crash where the police have reasonable cause to suspect drug-related impairment ".

Response:

The objectives underlying this recommendation are supported subject to further consideration in the course of preparing legislation.

The Task Force established under recommendation 40 will be required to consider the issues associated with all crash involved drivers performing psycho-motor impairment tests. Drivers who suffer injury or shock may need to be exempt from the requirement to undergo psycho-motor tests. However, drivers will be required to provide body fluid samples for drug testing in crashes where the police have reasonable cause to suspect drug related impairment.

The Task Force will be required to report on the issues above by early 1998. The Government intends to amend the relevant sections of the Road Safety Act 1986 and an amending Bill will be introduced into the Parliament in 1998.

RECOMMENDATION 35

"That blood and urine samples must be taken by a suitably qualified person ".

Response:

This recommendation is supported. Provisions in Section 55 of the Road Safety Act allowing blood samples to be taken at the request of a driver or member of the Police Force will also be amended to allow the blood to be taken by a medical practitioner "or other suitably qualified person". The legislation will specify the occupational categories for authorised persons. The Government will introduce appropriate legislative amendments to achieve this into the Parliament in 1998.

RECOMMENDATION 36

"That the Task Force headed by VicRoads establish procedures for the recovery of a licence suspended or cancelled due to driver impairment.

Response:

This recommendation is supported and the legislation and procedures used for drivers convicted of blood alcohol offences will be used as the model for the Task Force's investigation. The Task Force will report on the issues associated with licence recovery by early 1998.
RECOMMENDATION 37

"That research be undertaken on groups of impaired drivers, their attitudes and lifestyle patterns to guide the development of countermeasures ".

Response:

This recommendation is supported, subject to any consent and privacy issues being addressed.

The Government will request VicRoads to develop proposals for such research by early 1998.

RECOMMENDATION 38

"That a national research strategy on drugs and road safety be encouraged to guide the conduct of future investigations, assessment and data recording methods ".

Response:

This recommendation is supported and VicRoads has been requested to consult with the Federal Office of Road Safety by September 1997 with the aim being to incorporate the issue of drugs and road safety into the National Road Safety Research Strategy which forms part of the National Road Safety Action Plan.

RECOMMENDATION 39

"That specific attention be given to research into the effects of combinations of drugs, including alcohol, on driver performance and their involvement in road crashes ".

Response:

This recommendation is supported and will be incorporated into action resulting from recommendation 38. Victorian investigations have shown that the risks associated with drug impaired driving are greatly increased when drug combinations, including alcohol are used.
RECOMMENDATION 40

"That the Government establish a Task Force led by VicRoads of road safety, health, justice, police, pharmaceutical, motoring and transport organisations and a public advocate to establish priorities, co-ordinate activities, oversee the work of specialist working groups and monitor implementation of a plan to address the effects of drugs other than alcohol on road safety in Victoria".

Response:

This recommendation is supported and the Task Force will ensure that all actions taken as a result of these recommendations also take into account and are consistent with other Government initiatives such as the "Turning the Tide" program which has been established as a result of the recommendations of the Premier's Drug Advisory Committee.

RECOMMENDATION 41

"That the Committee review the issue during the term of the 54th Parliament".

Response:

This recommendation is supported.