

## 2013/17: Should special conditions be imposed on elderly Victorian motorists

### The issue at a glance

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In just over a week, drivers aged between 75 and 91 caused three major accidents, which included one fatality and much damage to cars and other property. In one case, an 83-year-old allegedly mistook the accelerator for the brake while in a supermarket car park.

At the moment, Victoria is the only Australian state without compulsory restrictions on elderly drivers. While family, friends, doctors and even the elderly themselves are urged to report driving problems to VicRoads, such reporting is not a legal requirement.

Australian Medical Association president Steve Hambleton has urged that Victoria follow the example of other states. "I think we need to have some uniformity around the nation," Mr Hambleton said.

However, Mark King, a senior lecturer in behavioural science, has written that "... even the oldest age groups of drivers have lower crash rates than our youngest drivers". Mr King's research indicates that older, experienced drivers compensate for their limitations by driving more carefully.

### What they said ...

*"We know as soon as we take away a licence from an older person that it has immediate health consequences, We really have to be really sure we have made the right decision."*

Dr Judith Charlton, Monash University Accident Research Centre.

*"Personally, I think all drivers over the age of 60 should have to re-take a test at least every five years."*

'Mark H', writing in the UK website, The Weekly Gripe

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### Background

Victoria is the only Australian state which does not have special conditions attached to driving licences held by older motorists. There have been calls for this to change and for Victoria's elderly drivers to be subject to conditions such as those imposed by other states, as below:

#### Western Australia

Drivers aged 80 and over: must complete a medical assessment certificate / renewal declaration each year, along with a medical examination by a doctor, specifically assessing the applicant's fitness to drive.

Drivers aged 85 and over must ALSO pass an annual practical driving test.

#### South Australia

Drivers aged 70 and over: must pass a medical and eyesight examination each year, as well as having a doctor complete a certificate of fitness to drive.

If the older motorist's licence is only for a car, these requirements are sufficient. However, if the licence is endorsed for other types of vehicle, heavy trucks, for example, a practical driving test must be passed annually by licence holders aged 85 or older.

#### New South Wales

Drivers aged 75 and over: must pass an annual medical examination, assessing fitness to drive. Drivers aged 85 and over are also required to take and pass a practical driving test every SECOND year.

Modified licences: older motorists may be able to dispense with the regular driving tests by opting to restrict their driving, for example, driving in daylight hours only and / or driving on local roads only. If the older motorist undertakes to accept these restrictions, a modified licence may be issued.

#### Queensland

Drivers over 75: must only drive with a medical certificate issued by a doctor. This certificate must be carried regardless of whether it discloses medical conditions. However, the certifying doctor is obliged to set out any driving-related medical conditions, as well as what period the certificate should cover and when it should be renewed.

#### Tasmania

Drivers over 75: must pass an annual medical examination assessing fitness to drive.

With a doubling of drivers over 70 years of age anticipated within the next decade, much private and public research has been undertaken in Australia and other Western countries.

A common finding has been that the elderly often suffer health and psychological problems when deprived of their driving licences.

Against this, elderly drivers are acknowledged to cause accidents through their sometimes-dangerous inability to control their cars.

Australian states, other than Victoria, have opted for restrictions to be placed on elderly drivers. These restrictions vary from state to state, but are mostly to counteract common driving problems associated with ageing, such as deteriorating eyesight and hearing, weakening muscles and stiffening joints. All or any of these conditions have been found to affect older drivers' ability to control a motor vehicle.

There are currently calls for Victoria to impose restrictions on older drivers, in line with the other states.

#### **Internet links**

The Victorian licensing authority, VicRoads, sets out driver licence conditions, including state laws regarding older drivers. This section states that there is no compulsory licence test for elderly motorists, but also advises of the self-reporting requirements pertaining to ALL drivers.

<http://www.vicroads.vic.gov.au/Home/SafetyAndRules/SaferDrivers/FamilyandFriends/Whatthelawsays.htm>

On August 5, 2013, The Age ran a news item on VicRoads statistics, showing what seemed to be a disproportionate number of fatalities among Victoria's older drivers. The item contains comments from university researchers and from the RACV, questioning the interpretation of the figures.

<http://www.theage.com.au/victoria/drivers-over-70-twice-as-likely-to-die-20130804-2r7pj.html>

August 26, the Herald-Sun's In Black and White column; the columnist, Steve Perkin, quotes two drivers who suggest the reason behind and a solution to the elderly driver mixing up the brake and the accelerator.

<http://www.heraldsun.com.au/news/opinion/in-black-and-white-lets-hope-they-didnt-predict-their-own-future/story-fni0fh7h-1226704382703>

The American "think tank", the Rand Corporation, published a research brief under the title: What risks do older drivers pose to traffic safety? The brief was compiled from a report authored by David S. Loughran and Seth A. Seabury. A link to the full document is available at the bottom of the web page.

The statistics and findings tally very closely with the results Australian researchers have come up with.

[http://www.rand.org/pubs/research\\_briefs/RB9272/index1.html](http://www.rand.org/pubs/research_briefs/RB9272/index1.html)

The British website, The Weekly Gripe is a set of pages that might be compared with a radio "shock jock" program, in which the host expresses an opinion and invites the public to phone in and comment.

In the case of The Gripe, comments are made in text form.

The item titled, "Old drivers create chaos on the roads" elicited many comments below the main item. The page can be found at:

<http://www.weeklygripe.co.uk/a435.asp>

The Victorian Transport Accident Commission is a state-government-owned organization set up to pay for treatment and support of road accident victims. The TAC also promotes road safety.

In a section entitled "Older drivers: road safety for ageing road users", the TAC offers everything from statistics on deaths and injuries to tips on how older drivers can stay safe behind the wheel, as well as setting out the warning signs that should prompt an older driver to consider whether to cease being a motorist

<http://www.tac.vic.gov.au/road-safety/safe-driving/older-drivers>

In an editorial published in October 2012, the Toronto Star, a Canadian newspaper, called for more testing to be done on older drivers, to detect especially those with cognitive impairment and conditions like dementia.

[http://www.thestar.com/opinion/editorials/2012/02/13/ontario\\_must\\_weed\\_out\\_elderly\\_drivers\\_who\\_are\\_not\\_safe\\_behind\\_the\\_wheel.html](http://www.thestar.com/opinion/editorials/2012/02/13/ontario_must_weed_out_elderly_drivers_who_are_not_safe_behind_the_wheel.html)

The Monash University Accident Research Centre has reported on a program it developed called "Seniors driving longer, smarter, safer", in which groups of older motorists were provided with information aimed at raising awareness of the increased accident and injury risk that comes with ageing. The program also provided tips and strategies aimed at keeping seniors on the road safely, as long as possible. The report abstract is available at

<http://www.monash.edu.au/miri/research/reports/muarc303.html>

The full report on the program is available from:

<http://www.monash.edu.au/miri/research/reports/muarc303.pdf>

The American Cato Institute "think tank" published an opinion piece, "The role of public transportation in the lives of elderly and disabled riders", by Randal O'Toole, an institute fellow and member of a subcommittee on housing, transportation and community development in the US Senate.

O'Toole is critical of almost all aspects of public transit, from buses to trains to light rail. Much of the problem, he suggests, is in the state or local authority owning and operating public transport. O'Toole suggests that private operators could provide cheaper, more efficient services, including to the disabled and elderly, if the unfair competition from taxpayer-subsidised public transport were to cease.

<http://www.cato.org/publications/congressional-testimony/role-public-transportation-lives-elderly-disabled-riders>

In the ABC's The Drum, on February 15, 2012, Alan Davies, a Melbourne urban and regional planner, wrote an opinion piece entitled "The public transport dilemma".

Davies criticised those advocating public transport as an ideal, instead suggesting that cars and driving be made more environmentally friendly, safer and cheaper. The comments under the article are also interesting

<http://www.abc.net.au/unleashed/32836.html>

The NRMA motoring organization published a list of features older drivers should look for when buying a car. The list is under the heading, "The right car for you" and can be seen at:

<http://www.nrmasaferdriving.com.au/finding-the-right-car.htm>

The Claris Law website, "The Legal Examiner" published an item entitled "Older drivers and emerging vehicle technologies", by Matt Gurwell, in July, 2013. The author points out that "information overload" could be a factor when an older motorist has to use features and interpret lights and sounds in a modern, electronics-rich vehicle. The article can be accessed at:

<http://www.legalexaminer.com/automobile-accidents/older-drivers-and-emerging-vehicle-safety-technologies/>

### **Arguments against special conditions being imposed on elderly Victorian motorists**

1. Most older drivers are physically and mentally fit enough to control a car.

In October, 2012, Mark King, a senior lecturer in psychology at the Queensland University of technology, who has for many years researched older drivers, disagreed with those calling for stricter licensing controls, writing that recent research showed that, while a minority of the elderly people studied showed a rapid decline in cognitive ability, most of the group studied showed little or no decline over a period of twenty years.

Research results like this were one of the main reasons behind the Western Australian older-driver requirements being altered in 2012. Where previously, drivers 75 and over were required to pass an annual medical assessment, the 2012 Road Traffic Act amendment dispensed with this provision until the driver turned 80 years of age.

WA's then Transport Minister, Troy Buswell, justified the decision by saying, "Given the ageing population, the State Government is changing the regulations to lessen the unjustified imposition on senior drivers as well as the health system".

Associate Professor Judith Charlton a Monash University accident researcher, wrote a Herald-Sun article urging more research, not more restrictions, was the answer to the question of ageing drivers. As for introducing restrictions for Victorian drivers, she wrote:

"An Australian study, which evaluated the effectiveness of different licensing systems by comparing the crash rates of drivers over 75 years across the country, found, despite its lack of a mandatory assessment program, Victoria had the lowest older driver crash rate per number of licences issued. Another study found Victorian drivers over 80 performed consistently better than drivers from other states and territories and, in the case of serious injury crashes, the differences were statistically significant."

2. Most older drivers are more cautious and therefore safer motorists than many young drivers

Researcher Mark King writes that "... even the oldest age groups of drivers have lower crash rates than our youngest drivers".

His research indicates that, older, experienced drivers often recognize their limitations and drive accordingly. For example, by choosing familiar, easy-to-manage driving environments, or by choosing not to drive at night, an older driver shows awareness of his or her slower reactions and decreased night-vision.

Recent VicRoads statistics point to a rising trend in fatalities of older drivers involved in accidents. However, road experts take issue with the raw figures and point out that the elderly are more frail and are more likely to die of injuries than are the young.

Mr King's research also suggests that, while young drivers are more likely to engage in risky behaviour, such as speeding and drink-driving, older drivers are more prone to make errors of judgment.

Thus, while the younger motorist's behaviour can be controlled by enforcement of road laws, older drivers' motoring mistakes (such as waiting unnecessarily long at intersections, for example) are usually not covered by road rules or laws.

3. Older people are not well served by public transport and find it more expensive and less convenient than their cars. In 2011, Randal O'Toole, of the US Senate sub-committee on Housing, Transportation and Community Development quoted a Transportation For America (TFA) report which predicted that, by 2015, 15 million Americans aged 65 and over would have poor access to public transport. The TFA, along with other mass-transit groups, saw increases in funding as the solution.

O'Toole, writing for the Cato Institute, disagreed with the TFA and similar groups calling for bigger investment in public transport.

O'Toole pointed out that one of these groups, the American Public Transport Association, had published figures to show that people over 65 rode public transport just over half as much as the national average.

While O'Toole was using American statistics, his figures are applicable to many Australian cities, including Melbourne. Writing for ABC's The Drum, Alan Davies points to behavioural data showing that "public transport carries less than 10 per cent of all motorised trips within the metropolitan area"

Davies adds that, even journeys to work on public transport make up only 16 per cent of motorised commutes in Melbourne.

These figures indicate that the elderly, especially those elderly with a lifetime of driving behind them, would find it at least as difficult to adjust to using public transport as would the general population. As well, the older public transport user would be faced with often strenuous walks to bus and tram stops, stations etc, and would be exposed to the elements for longer periods. This could have serious health effects on the frail elderly.

4. Older drivers suffer socially and practically if deprived of their right to drive.

A Monash University study led by Dr Judith Charlton and tasked with developing a diagnostic procedure which will identify driving problems in older drivers, has found that taking away an elderly person's driving licence actually has a deleterious effect on his or her physical and mental health.

"We know as soon as we take away a licence from an older person that it has immediate health consequences," Dr Charlton said. "We really have to be really sure we have made the right decision. In 2050 almost one in four people will be over 65, and one in 10 will be over 80. They will be working, going to the gym, spending money in cafes and restaurants, going to the movies and doing everything they can to stay mobile and active."

Dr Charlton is supported in this by VicRoads' director of vehicle and road-use policy, James Holgate, who was quoted in The Age as saying that senior driver testing was costly and stressful for all concerned, adding that restrictions in other states had not been proven to be useful and that "... research has shown those states don't get any better outcome in terms of older driver safety than the Victorian system."

5. Modern safety features and driving aids cars allow the elderly to keep driving safely

Advances in vehicle technology, seen in many television and video advertisements include automatic "sensing" of other cars and obstacles, collision avoidance and braking systems and electronic assistance in parking. There is also research into adapting night-vision systems to car windscreens.

The Australian motoring organization, NRMA, recently published an article on its website entitled, "The right car for you." It was aimed at senior motorists and included a list of desirable features identified by University of Florida researchers for the American Automobile Association. The list included:

- Keyless entry
- Keyless ignition
- Fully adjustable steering wheel
- Power-adjustable seats (with lumbar support) and headrests
- Large knobs and buttons with contrasting text
- Power-adjustable mirrors which are large and wide-angled
- Adjustable pedals
- Computerised stability control
- ABS braking

Most of the above features were not available on the first cars driven by today's elderly and all of them are likely to make an older motorist feel comfortable and in control.

### **Arguments in favour of special conditions being imposed on elderly Victorian motorists**

1. Most older drivers do not have the good cognitive skills and quick reaction times necessary to drive in modern, high-speed traffic.

Many road accident experts say that most older drivers reach a point in their natural ageing process where they become a danger to themselves and to others if they continue to operate their cars.

Many accidents have been caused by elderly motorists who apparently forgot either where the car's controls were, or forgot how to use them.

Two recent accidents in Queensland car parks resulted in deaths. The elderly drivers were reported as having mixed the brake and the accelerator pedals up.

In fact, the American AARP organization, (formerly the American Association of Retired Persons) lists this as one of the signs that elderly drivers should note as a reason to hand in their driving licence.

Other signs listed by AARP are:

- \* Trouble seeing traffic signs and signals
- \* Misjudging gaps in traffic at intersections
- \* Getting lost, especially in familiar locations

## 2. Older drivers are more likely to die in road accidents than are drivers from younger age groups

VicRoads statistics for the first seven months of 2013 found that one in five Victorian driver fatalities was a motorist over 70 years of age. The numbers and percentage have increased since 2010.

This would indicate that increasing numbers of drivers over seventy would inevitably lead to the percentage of elderly motorists dying in road accidents to be larger as the huge post-war generation (the "baby-boomers") gets older.

A study by Carnegie Mellon University in Pittsburgh, USA, and based on data from the five years to 2004, found that drivers aged 75 to 84 were killed on the roads at about the same rate as another high-risk group, teenaged motorists. However, drivers 85 and older were found to be dying on the roads at four times the rate of teenagers.

## 3. The number of older drivers in Australia is increasing

Studies have demonstrated that the number of elderly drivers (defined as those over 65) on Australian roads is increasing for three reasons. Firstly, as the population ages, the number of elderly drivers is increasing. Improved life expectancy and reduced birth rates in Australia mean that there will be more and more elderly drivers in absolute terms and relative to the rest of the population. Projections made by the Australian Bureau of Statistics suggest that by 2016 16% of Australia's population will be over 65, while by 2051 the percentage will be 24 (that is nearly a quarter of Australia's population). These figures are consistent a 2001 OECD report which predicted that the proportion of people aged over 65 in Australia will be around 18% in 2020 and 25% in 2050.

Secondly, the number of elderly citizens who hold a drivers' licence is increasing. In earlier periods fewer Australians drove. Now, virtually the whole population acquires a driver's licence and is a regular driver. This includes women, who, a generation ago, were less likely to driver than their male counterparts. This means that as our population ages, all members of that population are likely to be drivers. This trend toward increased driving was supported by a recent survey conducted in Melbourne which found that, among those aged over 65, 75% of men and 40% of women were licensed to drive, while for those aged 45 to 54, nearly 100% of men and 90% of women held licences. Finally, the number of drivers is increasing because the proportion of those over 65 who wish to retain their licences and continue driving has grown.

Many authorities argue that the dramatic increase in the number of elderly drivers makes it more important that appropriate restrictions are placed upon them.

## 4. Older people do not need cars to travel to work and cheap, subsidised public transport is available for routine travel to shop and for social reasons.

In Melbourne, Victoria's capital city, a system of buses, trains, light rail and trams services the city and suburbs. An article in tripadvisor.com.au, an international travel site, praises Melbourne's system in its introductory paragraph, as: "... efficient, inexpensive, safe and extensive. The system consists of trains, trams (including two conversions of former rail lines that are now akin to 'light rail') and buses. The trams criss-cross the city and are probably what you will use most unless you head out to the outer suburbs; on weekdays you can expect one every 3-12 mins, on weekends about every 12-15 mins until nightfall when 20 minutes is a typical wait. The free City Circle tram goes around the Central Business District, including Docklands."

A Victorian Seniors Card entitles pensioners to concession fares on public transport and even some free weekend travel, according to the information on the Public Transport Victoria website.

Some advocates of public transport point to its health and other benefits for a community. VicHealth CEO Dr Rob Moodie has been quoted in the Urban Design Forum website as saying "Suburbs that rely only on cars are more likely to make people fatter, sicker, lonelier and probably more depressed."

## 5. Modern cars are too technologically advanced for elderly drivers

Recent incidents in which accidents were apparently caused by the elderly motorist "mixing up the brake and accelerator" have been well publicised.

One possible explanation was pointed out in Steve Perkin's Herald-Sun column, In Black And White. Perkin quoted "Jeanette" as saying, "Many of these drivers learnt to drive in a car originally that had a clutch pedal as well, and then had to relearn in automatics." Perkin quoted "John" as saying that he was "one of the old brigade brought up on manual transmissions who still use the left foot for the brake".

"John" suggested that brake pedals should be larger and that there should be a ledge on the right-hand side of the pedal to prevent the driver's foot from slipping off it.

The American Claris Law site, The Legal Examiner published an opinion piece by Matt Gurwell, who says he was

struck by some older drivers' ignorance of vehicle accessories and safety features. Gurwell wrote:

"I have ridden shotgun with older drivers that did not realize their outside mirrors were adjustable, or that they could unlock their vehicle by simply pushing on one of the key's little black buttons ... There are drivers who do not know how to activate their four-way flashers in case of an emergency, and have always wondered "what that red triangle button was for."

Gurwell also told of an elderly woman driver who did not know what the ticking of the turn signal was, asking if the sound was coming from Gurley's mobile phone.

### Further implications

The issue of older motorists and their real and imagined faults will not go away. In fact, as the median age increases - and the age of drivers along with it - news media campaigns based on a series of probably coincidental events (such as the current controversy) will become more - not less - common.

However, if ageing is inevitable, so is progress. Technological advances in driver aids, vehicle safety and automation of processes are being announced almost every month. It would seem that not only will on-board devices tell the driver how to get to a destination, but that they will very soon actually take over the driving altogether, at least on main roads. If cars become more-or-less self-driving, the age and condition of the person behind the wheel will become less relevant.

But, even without the march of technology, lawmakers - who are politicians first and foremost - are unlikely to move against the wishes of a large voting bloc like the so-called "baby-boomers", the Australians born after the Second World War. This was the generation which was brought up with privately-owned cars, which became one of life's necessities.

To this generation, a driving licence is a right. However, it is highly probable that Victoria will make some sort of restriction on older drivers compulsory, with medical certificates and regular tests the most likely to be considered. It is most UNlikely that these restrictions will be imposed on the baby-boomers, however. Instead, any new restrictions will apply to those over eighty at first. Thus, lawmakers will be acknowledging that restrictions are necessary, while avoiding the political penalties involved in upsetting the sixty-to-seventy age group. The baby-boomer generation of drivers will then be ambushed in a decade or so, by which time even a large voting bloc will find it hard to cause existing laws to be repealed.

### Newspaper items used in the compilation of this issue outline

H/SUN, July 18, 2013, page 28, comment by Judith Charlton, 'Keeping older drivers on the road is the test'.

<http://www.heraldsun.com.au/news/opinion/keeping-older-drivers-on-the-road-is-the-test/story-fni0ffsx-1226680985609>

H/SUN, July 13, 2013, page 11, news item by Amelia Harris, 'Time to hang up keys'.

<http://www.heraldsun.com.au/news/victoria/police-want-to-keep-an-eye-on-older-drivers-after-a-series-of-accidents/story-fni0fit3-1226678658924>

AGE, August 5, 2013, page 14, news item (photos, statistics) by Tessa van der Riet, 'Drivers over 70 twice as likely to die/ Motorist Fred makes a sacrifice for the safety of all'.

<http://www.theage.com.au/victoria/drivers-over-70-twice-as-likely-to-die-20130804-2r7pj.html>

H/SUN, August 12, 2013, page 1, news item (photo) by Amelia Harris, 'Brakes on our oldies / Eighty senior drivers forced to surrender licences a week'.

<http://www.heraldsun.com.au/news/victoria/eighty-senior-drivers-forced-to-surrender-licences-a-week/story-fni0fit3-1226695170340>

H/SUN, August 12, 2013, page 26, editorial, 'Too old to be on the roads'.

<http://www.heraldsun.com.au/news/opinion/too-old-to-be-on-the-roads/story-fni0ffsx-1226695097377>