

VAGO

Victorian Auditor-General's Office

Reducing the Harm Caused by Drugs on Victorian Roads

December 2023

Independent assurance report to Parliament
2023–24:11



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Reducing the Harm Caused by Drugs on Victorian Roads

Independent assurance report to Parliament

Published by order, or under the authority,
of the Parliament of Victoria

December 2023

The Hon Shaun Leane MLC
President
Legislative Council
Parliament House
Melbourne

The Hon Maree Edwards MP
Speaker
Legislative Assembly
Parliament House
Melbourne

Dear Presiding Officers

Under the provisions of the *Audit Act 1994*, I transmit my report *Reducing the Harm Caused by Drugs on Victorian Roads*.

Yours faithfully



Andrew Greaves
Auditor-General
6 December 2023

The Victorian Auditor-General's Office (VAGO) acknowledges the Traditional Custodians of the lands and waters throughout Victoria. We pay our respects to Aboriginal and Torres Strait Islander communities, their continuing culture, and to Elders past and present.

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Audit snapshot

What we examined

We assessed whether Victoria Police's roadside drug testing program (the program) operates effectively and achieves intended outcomes.

Why this is important

Drug driving is a major road safety and public health issue.

Victoria Police's roadside drug testing program aims to detect and deter offending. However, it only has funding to deliver 150,000 tests per year.

Given this, Victoria Police must use its limited resources effectively to maximise the program's impact on road safety.

What we concluded

The program makes a positive contribution to reducing drug driving, but it is not fully effective.

This is because Victoria Police does not:

- have a clearly documented test allocation process
- monitor whether officers comply with program rules
- have a coordinated approach to improving the program.

By not addressing these issues, Victoria Police is missing opportunities to further reduce drug driving and related trauma.

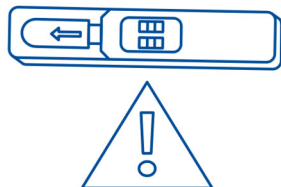
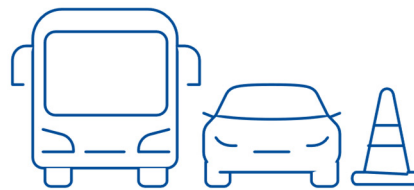
What we recommended

We made 10 recommendations to Victoria Police to improve its:

- documentation practices
- oversight of key processes
- program management.

[→ Full recommendations](#)

Key facts



It receives funding to conduct
150,000 tests
each year



Drug driving contributes to
30%
of road deaths

Source: VAGO, based on information from Victoria Police.

Our recommendations

We made 10 recommendations to address 3 issues. Victoria Police has accepted all the recommendations in full or in principle.

Key issues and corresponding recommendations			Agency response
Issue: Victoria Police does not have a clearly documented approach to deterring drug drivers			
Victoria Police	1	Develop a documented process for allocating the program's tests that considers best practice enforcement approaches for drug driving (see Section 2).	Accepted
	2	Develop internal performance measures and targets that support the monitoring and delivery of best practice enforcement approaches for drug driving across Road Policing Command and the regions (see Section 2).	Accepted
	3	Develop an evidence-based engagement strategy to guide its communications and interactions with the public about drug driving (see Section 2).	Accepted
Issue: Victoria Police does not know whether its officers comply with key rules			
Victoria Police	4	Develop processes to detect and address noncompliance with the program's rules (see Section 3).	Accepted
Issue: While Victoria Police has made some improvements, it does not always take a strategic and coordinated approach to managing and enhancing the program			
Victoria Police	5	Develop a strategy that covers the program and: <ul style="list-style-type: none"> sets a clear vision for the program's growth sets short and long-term plans for the program's development sets clear lines of accountability for the program's business-as-usual processes and continuous improvement commits to periodically evaluating the program's processes and outcomes to ensure effective test delivery and expansion (see Section 4). 	Accepted in principle
	6	Develop annual action plans to support future road policing strategies (see Section 4).	Accepted
	7	Work with the Department of Justice and Community Safety and the Department of Treasury and Finance to develop new public performance measures that enable government and the public to assess the program's efficiency and effectiveness (see Section 4).	Accepted in principle

Key issues and corresponding recommendations		Agency response
8	Deliver its implementation plan to address the recommendations from the Drug Impairment Assessment Review (see Section 4).	Accepted
9	Continue its work to automate the program's roadside data collection processes (see Section 4).	Accepted in principle
10	Continue its work with the other Road Safety Partners to progress a holistic, collaborative and evidence-based approach to reducing the harm caused by drug driving (see Section 4).	Accepted

What we found

This section summarises our key findings. Sections 2, 3 and 4 detail our complete findings, including supporting evidence.

When reaching our conclusions, we consulted with Victoria Police and considered its views. Victoria Police's full response is in Appendix A.

Why we did this audit The increasing incidence of drug-affected drivers – or 'drug drivers' – is a major road safety issue in Victoria and across Australia.

To detect and deter offenders, Victoria Police developed a roadside drug testing program (the program). However, it only receives funding for 150,000 preliminary oral fluid tests a year, which represents about 3 per cent of the driving public. Given these limited resources, Victoria Police must ensure the program operates effectively to maximise its impact on road safety.

Drug driving legislation

Victoria Police enforces the drug driving provisions of the *Road Safety Act 1986* (the Act).

Under the Act, a person commits an offence if they drive or supervise a motor vehicle:

- while impaired by any drug – regardless of its legality
- with any concentration of a prescribed illicit drug present in their blood or oral fluid.

Prescribed illicit drugs

The Act outlines 3 prescribed illicit drugs: methylamphetamine (also known as speed or ice), MDMA (also known as ecstasy) and THC (the psychoactive component of cannabis).

Components of Victoria Police's program

Victoria Police's program has 3 tools:

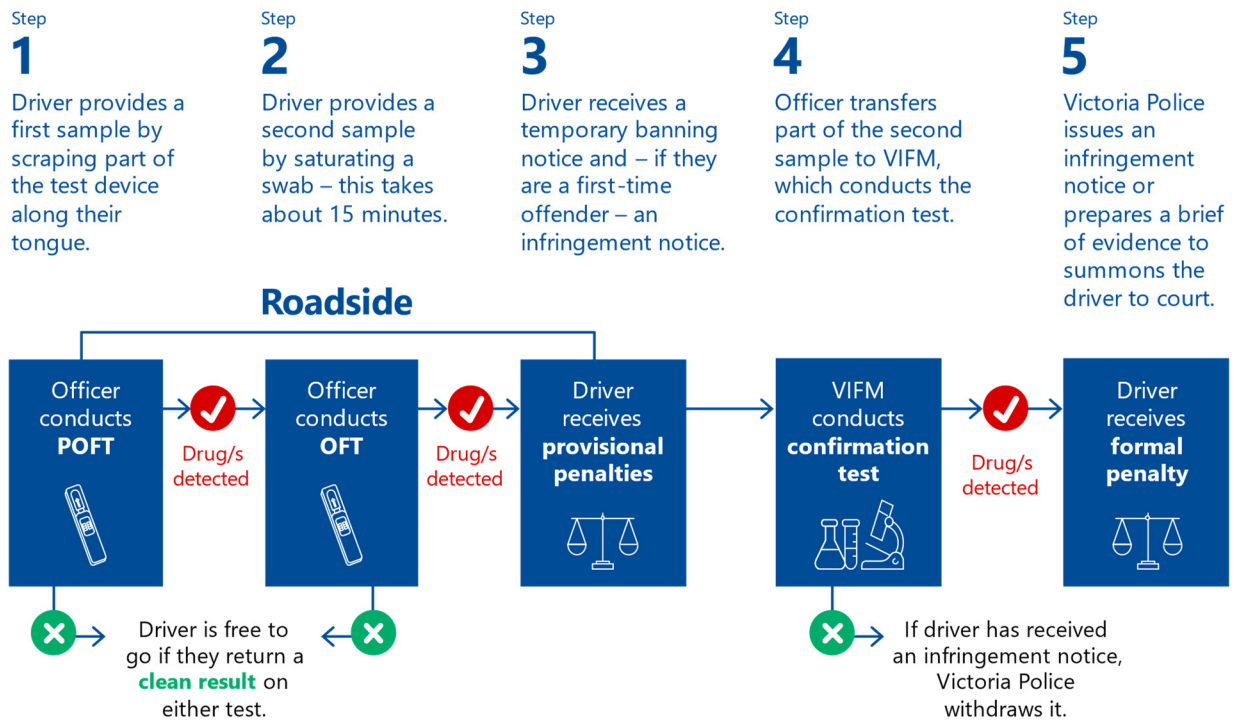
- oral fluid testing, which detects the presence of the Act's 3 prescribed illicit drugs
 - drug impairment assessments (DIAs), which measure a person's ability to drive safely
 - public engagement.
-

Oral fluid testing Oral fluid testing involves 3 key steps:

- the preliminary oral fluid test – this screens the driver's saliva for prescribed illicit drugs
- the oral fluid test – this further screens the driver's saliva for prescribed illicit drugs
- the confirmation test – this analyses the sample collected as part of the oral fluid test.

As Figure 1 shows, 2 of these occur at the roadside. The last step occurs at the Victorian Institute of Forensic Medicine (VIFM), an approved laboratory under the Act.

Figure 1: Oral fluid testing process



Note: 'POFT' means preliminary oral fluid test; 'OFT' means oral fluid test. Victoria Police can skip the preliminary oral fluid test if the driver has already completed a DIA or evidentiary breath test for alcohol. Additionally, some drivers can take over an hour to produce sufficient oral fluid for the OFT sample. Source: VAGO, based on Victoria Police information.

Drug impairment assessments

DIA's assess whether drugs have affected a person's ability to drive safely. However, they are more complex to conduct than oral fluid testing, involving:

- 2 behavioural assessments
- an evidentiary breath test for alcohol
- collection and laboratory analysis of a blood or urine sample
- expert examination of the laboratory results and documented behavioural assessments.

DIA's are an important part of Victoria Police's toolkit. This is because they help officers identify drivers who appear actively impaired by drugs. The Act also enables Victoria Police to analyse samples collected as part of DIA's for a broad range of drugs, including prescription medicines.

Responsibility for the program

Two portfolios in Victoria Police have responsibility for conducting roadside drug testing – Specialist Operations and Regional Operations.

Specialist Operations contains the Road Policing Command, which has overarching accountability for the program. It shares its specialist knowledge and expertise with the regions and oversees 3 enforcement areas, including:

- Road Policing Drug and Alcohol Section (RPDAS) Operations
- the State Highway Patrol
- the Heavy Vehicle Unit.

Regional Operations contains the 4 regions, which oversee a combined 21 divisions. Each region leads Victoria Police's operational response within a defined area.

Our key findings We made 3 key findings:

1	Victoria Police does not have a clearly documented approach to deterring drug drivers.
2	Victoria Police does not know whether its officers comply with key rules.
3	While Victoria Police has made some improvements, it does not always take a strategic and coordinated approach to managing and enhancing the program.

Key finding 1: Victoria Police does not have a clearly documented approach to deterring drug drivers

Maximising the impact of the limited number of tests

Given the rising prevalence of drug-related harm, Victoria Police must use its limited resources effectively to improve road safety. It can do this by:

- understanding how drivers respond to different enforcement approaches
- allocating and delivering preliminary oral fluid tests using evidence about drug driving risks
- monitoring and reviewing its practices to promote continuous improvement.

Allocating tests

Each year, Victoria Police uses a 2-tiered process to allocate the program's limited supply of preliminary oral fluid tests among its approved work units.

Approved work units

According to the Victoria Police Manual, only authorised officers from approved work units can conduct oral fluid testing. The Assistant Commissioner for Road Policing Command selects these units.

First, Victoria Police divides its preliminary oral fluid tests into 2 portions – one for Road Policing Command and one for the regions.

It then splits ...	Among ...	Using ...
Road Policing Command's share	RPDAS Operations, the State Highway Patrol and the Heavy Vehicle Unit	information about their past allocations.
the regions' share	the 21 divisions	statistical analysis of drug driving risk, which is best practice.

Victoria Police lacks a clear, evidence-based rationale for how it splits the program's tests between Road Policing Command and the regions. This has consequences for the program's effectiveness, because Road Policing Command assigns most of its resources to RPDAS Operations, which conducts primarily bus-based testing.

Bus-based testing has different enforcement outcomes than car-based testing. While bus-based testing offers a large and highly visible police presence (which may discourage people from offending), it has a lower detection rate than car-based testing – meaning it removes fewer drug drivers from the road. Given these differences, Victoria Police needs a clear, documented framework to show how its mix of bus-based testing and car-based testing:

- fits within its operating model for road policing
- supports drug driving deterrence.

For example, in 2022–23, Victoria Police allocated 40.4 per cent of the program's resources to Road Policing Command (60,525 tests). Road Policing Command then allocated 71.9 per cent of its

share to RPDAS Operations (43,525 tests). This is a substantial amount – particularly considering that the program only has 150,000 tests in total.

Without a clear allocation framework, Victoria Police lacks assurance that it maximises the road safety impact of the program's limited number of tests.

Managing and overseeing tests

Road Policing Command has responsibility for the program's delivery. It provides the regions with comprehensive intelligence on emerging trends, risks and issues. This includes enforcement opportunities based on information about upcoming events, seasonal tourism spikes, behavioural analysis and geospatial mapping.

However, Road Policing Command is in a different reporting line than the regions, so it does not have direct oversight of their activities. The State Tasking and Coordination Committee – which sets, monitors and evaluates Victoria Police's response to priority community safety issues – has this visibility. But it did not identify drug driving as a state-level priority in 2021 or 2022. As a result, Victoria Police has not formally planned or evaluated its overarching response to drug driving. Without this, it does not know whether approved work units consistently deliver preliminary oral fluid tests in an evidence-based and intelligence-led way.

In November 2023, Victoria Police advised us that the COVID-19 pandemic affected the State T&C Committee's prioritisation of community safety issues throughout this period.

Public engagement activities

Public engagement – such as contributing to news stories, sharing information on social media and running community education programs – can also deter drug drivers. However, agencies must manage these messages carefully to avoid stigmatising or glamourising drug use.

Victoria Police does not have a comprehensive, evidence-based strategy that outlines its approach to public engagement about drug driving. It also lacks centralised resources to guide officers in the regions when delivering education programs or visiting community organisations.

These gaps increase the likelihood that:

- the regions will duplicate effort and promote inconsistent messages
 - Victoria Police does not effectively engage with people at high risk of drug driving.
-

Key finding 2: Victoria Police does not know whether its officers comply with key rules

Assuring itself of officers' compliance

To ensure the program meets its aim of reducing drug-related harm, Victoria Police needs to know whether authorised officers follow its policies and procedures for conducting tests.

In particular, Victoria Police needs certainty that authorised officers:

- issue banning notices to alleged offenders
 - discuss support options with alleged offenders
 - follow rules for using test devices and managing samples
 - attend training to maintain their skillset.
-

Issuing and enforcing banning notices

Banning notices are an essential road safety tool because they forbid alleged offenders from driving for 12 or 24 hours. If a driver fails an oral fluid test, the Victoria Police Manual requires the relevant authorised officer(s) to:

- issue them with a hardcopy banning notice
- upload a digital record – known as a field contact report – to an online database.

Field contact reports are important because they provide:

- Victoria Police with proof that the authorised officer(s) issued a banning notice
- other officers in the field with information about active banning notices, which may help them detect violations.

However, Victoria Police does not:

- monitor whether authorised officers submit field contact reports after issuing banning notices
- have clear, up-to-date guidance about how to submit field contact reports correctly.

Between 1 July 2022 and 30 November 2022, authorised officers reported 4,227 positive oral fluid tests but only submitted 1,900 field contact reports. This means Victoria Police does not know whether authorised officers issued 2,327 banning notices throughout this period.

In addition, authorised officers did not correctly submit 1,051 field contact reports. Combined with the unsubmitted banning notices, this means that officers lacked either prompt or complete access to information for 79.9 per cent of alleged offenders.

As a result, there is a risk that potentially drug-affected people did not receive a banning notice or violated their banning notice without detection.

Victoria Police told us that it acknowledges these risks and commits to addressing them.

Connecting alleged offenders with support services

Victoria Police also aims to reduce drug driving by connecting alleged offenders with support services. It does this through an electronic referral (eReferral) system. In April 2020, Victoria Police implemented an eReferral pathway specific to drug driving. This is a positive development.

According to the Victoria Police Manual, authorised officers:

- 'should' submit an eReferral for repeat offenders
- should 'consider' submitting an eReferral for first-time alleged offenders
- must obtain an individual's consent prior to submitting an eReferral on their behalf.

However, over a 12-month period to the end of March 2021, Victoria Police reported about 10,000 positive oral fluid tests but only submitted 370 drug driving eReferrals.

We found that Victoria Police does not:

- monitor whether officers discuss the eReferral system with alleged offenders
- promote the benefits of the eReferral system to officers during the program's training
- provide officers with guidance about how to effectively discuss drug driving eReferrals with alleged offenders.

Without this information, Victoria Police does not know why the program has a low rate of eReferrals. As such, it may miss opportunities to connect people with support and improve its service delivery options.

Following testing rules

To minimise the risk of adverse results and waste, authorised officers must follow Victoria Police's testing rules carefully.

Due to limitations with roadside drug testing technology, we would expect a small number of false negative and false positive oral fluid test results.

In this report, we use the term ...	To refer to situations where VIFM's confirmation test does not verify an oral fluid test's ...
false negative result	negative result – this means that VIFM detected the presence of a drug in a driver's oral fluid sample, but the oral fluid test did not.
false positive result	positive result – this means that VIFM did not detect the presence of a drug in a driver's oral fluid sample, but the oral fluid test did.

Note: VIFM only reports a drug as 'present' in the confirmation test if it is above the cut-off concentration for a positive result. This means that oral fluid samples containing trace amounts of drugs will return a negative result on the confirmation test.

It is important that Victoria Police monitors these outcomes to ensure they remain within acceptable limits, as a high rate may indicate an issue with:

- the program's testing processes or devices
- officers' compliance with key procedures
- sample management protocols.

Victoria Police ...	This could undermine the program's aims because ...
collects the relevant data but does not have a documented process to ensure false negative results are within acceptable limits.	false negative results allow drug drivers to avoid: <ul style="list-style-type: none"> • detection at the roadside, meaning they do not receive a banning notice and are free to remain on the roads • formal punishment after VIFM's analysis (Victoria Police can only penalise drivers who fail both the oral fluid test and the confirmation test).
has a comprehensive process to review the cause of false positive results; however, it is time-consuming and under-resourced, which led to a significant backlog.	false positive results (specifically those where VIFM detected non-prosecutable amounts of drugs) may allow drug drivers to avoid formal punishment. There are several factors that can influence a drug's detection time in oral fluid – some of which are outside Victoria Police's control (including the alleged offender's metabolism and drug-use habits). However, some stem from human error or process issues, including: <ul style="list-style-type: none"> • slow sample transit to RPDAS and/or VIFM • improper sample refrigeration • insufficient sample quality and/or quantity.

These inconsistencies and delays may also limit Victoria Police's ability to identify internal issues and improve authorised officers' compliance with testing rules.

In October 2023, Victoria Police told us that it has cleared the backlog of unreviewed false positive results.

Maintaining officers' testing skills

Victoria Police requires authorised officers to complete an online refresher course every 3 years to maintain their skillset and keep abreast of operational changes. If authorised officers do not follow this rule, then Victoria Police may suspend or cancel their right to conduct oral fluid testing.

Victoria Police does not have a documented process to ensure that authorised officers complete the online refresher course. This means that some officers may lack the skills or knowledge to conduct tests, which could affect Victoria Police's ability to detect and penalise drug drivers.

Victoria Police has informed us that it runs quarterly reports to identify authorised officers who are approaching or who have exceeded this 3-yearly limit. However, we saw evidence that 43 officers continued to conduct oral fluid tests after their qualifications had expired. This suggests that Victoria Police's process for monitoring training is not fully effective.

Key finding 3: While Victoria Police has made some improvements, it does not always take a strategic and coordinated approach to managing and enhancing the program

Managing and improving the program

Given the risk of drug-related harm and its limited number of tests, Victoria Police must take a strategic and coordinated approach to managing and improving the program.

Victoria Police does not have a strategy to guide the program's development. Instead, it plans and implements changes through short-term, disconnected projects. Victoria Police advises that difficulty securing ongoing funding has made it challenging to develop a long-term, strategic approach. However, without a clear vision for the program, Victoria Police may struggle to sustain and enhance its impact in a coordinated way.

Victoria Police also lacks a process to implement improvements identified outside of its projects, which may limit the program's efficiency and effectiveness.

Program reviews and evaluations

In 2019, Victoria Police commissioned its first reviews and evaluations of the program's performance and operating model – 15 years after the program's launch.

These reviews and evaluations give Victoria Police a robust evidence base to improve the program. However, to date, Victoria Police has taken an ad-hoc approach to implementing their recommendations. This is partly because the program's funding arrangements have meant that Victoria Police has had to plan and deliver change through 5 discrete, time-limited projects. The COVID-19 pandemic also impacted its ability to take a long-term, strategic focus.

However, without an agreed approach to program development (that sits outside of these time-limited projects), there is a risk Victoria Police may not prioritise work that will have the greatest impact on reducing drug driving.

Implementing improvements: automating systems

Victoria Police knows that it must conduct more tests to strengthen the program's deterrent effect and reduce the rate of drug-involved road trauma. In late 2019, a review identified that its reliance on manual, paper-based systems is a key barrier to the program's expansion. Automating its roadside data collection processes will save officers' time and reduce the program's back-end administration.

Victoria Police asked for funding to automate its data collection processes in the 2023–24 state budget cycle. However, government did not agree to fund this part of its business case.

Public accountability for performance

Public strategies and performance reporting are important because they hold agencies to account for their service delivery.

However, Victoria Police's strategy and external reporting do not enable the government or the public to assess whether the program is efficient and effective. This is because:

- the strategy lacks clear objectives, measures, targets and baseline data for the program
 - the program only reports against one measure through Victorian Budget Paper No. 3: Service Delivery – the number of preliminary oral fluid tests conducted each year.
-

Working with the Road Safety Partners

Victoria Police collaborates on a range of committees with the other 4 Road Safety Partners:

- Department of Health
- Department of Justice and Community Safety
- Department of Transport and Planning
- Transport Accident Commission (TAC).

However, under the Road Safety Partners' current governance structure, it is unclear which committee has primary responsibility for responding to drug driving. This has potentially led to missed opportunities. For example, we did not see evidence that Victoria Police regularly discussed its most recent business case with the other Road Safety Partners at committee meetings. Doing so may have enhanced the business case's quality and chances of success.

In April 2022, Victoria Police and the other Road Safety Partners established a one-year Drug Driving Coordination Subcommittee. This:

- identified ways of improving the partnership's collaboration and response to drug driving
- assessed and prioritised recommendations from a key review – the Roadside Drug Testing Review Companion Report (companion report).

These actions show a concerted effort to progress a collective response to drug driving, which is a positive step. However, the Road Safety Partners have not developed a formal plan to review and implement them. Doing so would help the Road Safety Partners embed a holistic, evidence-based response to drug driving that goes beyond Victoria Police's testing program. We encourage the Road Safety Partners to ensure ongoing accountability for this work by:

- developing implementation solutions for the subcommittee's findings
 - furthering its review of and response to the companion report's recommendations.
-

1.

Audit context

Drug driving is a major road safety issue. In Victoria, it is illegal for a person to drive while impaired by drugs or with any amount of 3 specific substances in their system – methylamphetamine, MDMA and THC. Victoria Police’s roadside drug testing program aims to protect the community by detecting and deterring offenders.

Drug driving and its impact

Impact of drug driving in Victoria

Drug driving is a major source of trauma for Victorians. It affects those directly involved in collisions, as well as their families and the wider community.

In 2019, a study conducted by VIFM, Monash University and Victoria Police analysed blood samples from 4,988 hospitalised drivers over a 5-year period to mid-2018. It found that 38.7 per cent of these drivers had consumed drugs capable of causing ‘meaningful impairment’. Of these people, 12.8 per cent had used methylamphetamine and 11.1 per cent had used THC.

In 2020, a study of the same blood samples found that the drivers with illicit drugs in their system were 10 times more likely to have caused their crashes than the sober drivers. This is because drugs can limit a person’s concentration, coordination and alertness.

In November 2022, the Monash University Accident Research Centre (MUARC) assessed the prevalence of the 3 prescribed illicit drugs in Victoria Police’s test results and broader road trauma.

It found that ...	Was the most detected drug in ...	For the years ...
methylamphetamine	tested drivers	2011 to 2021.
	seriously injured drivers	2013 to 2021.
THC	fatally injured drivers	2016, 2018, 2019 and 2021.
		2011 to 2015, 2017 and 2020.

Note: These figures are sourced from MUARC’s analysis of Traffic Incident System data in November 2022. The statistics for seriously injured drivers and fatally injured drivers also include bicyclists. Not every seriously injured – or hospitalised – driver receives a full toxicology screening, so this figure may not capture the true extent of the issue.

Drug driving legislation

Under the Act, a person commits an offence if they:

- drive or supervise a motor vehicle while impaired by any drug, regardless of its legality
- drive or supervise a motor vehicle with any concentration of a prescribed illicit drug present in their blood or oral fluid.

It is also an offence to refuse a request from Victoria Police to:

- stop at a preliminary testing station
- undergo a preliminary oral fluid test (POFT) or second oral fluid test (OFT) – these detect the presence of the Act’s 3 prescribed illicit drugs
- undergo a drug impairment assessment (DIA) – this identifies impairment caused by a broad range of legal and prohibited substances.

Prescribed illicit drugs

The Act outlines 3 prescribed illicit drugs: methylamphetamine (also known as speed or ice), MDMA (also known as ecstasy) and THC (the psychoactive component of cannabis).

Strategies to reduce drug driving

Victoria’s road safety strategy

Victoria’s Road Safety Partners (the partners) have joint responsibility for reducing drug driving.

Working together, the partners developed the *Victorian Road Safety Strategy 2021–2030* (state strategy), which aims to halve the number of road deaths and reduce serious injuries by 2030.

One of the state strategy’s 10 goals is to decrease the involvement of alcohol and other drugs in collisions. It proposes to do this by increasing roadside drug testing and addressing the underlying issues that increase the likelihood of repeat offending.

The state strategy endorses the Safe System approach, which recognises that people make mistakes but that a mistake should not cost anyone their life or health.

In a Safe System, all elements of the transport system work together to prevent injury and death.

The partners’ roles in reducing drug driving

The agencies that design, manage and maintain the transport system have an obligation to anticipate and address driver behaviour, including risk-taking.

Figure 2 shows each partner’s responsibilities for reducing drug driving.

Figure 2: Road Safety Partners' responsibilities for reducing the harm caused by drug driving



Victoria Police

Conducting enforcement to influence driver behaviour
 Investigating and holding offenders to account
 Working with the partners on prevention initiatives

Transport Accident Commission

Running public media campaigns
 Funding enforcement activities

Department of Transport and Planning

Managing strategy, policy, legislation and the road network
 Leading road safety initiatives and coordinating the partners

Department of Justice and Community Safety

Managing penalty notice and warrant processes
 Providing policy advice on strategies, initiatives and enforcement options

Department of Health

Delivering early intervention and prevention activities
 Delivering post-collision care
 Funding drug rehabilitation services

Reducing the harm caused by drug driving

Source: VAGO, based on various public documents.

Victoria Police's road safety strategy

Victoria Police also has the *Victoria Police Road Safety Strategy, July 2021 to June 2024* (police strategy), which outlines 7 enforcement priorities. These include:

- distracted driving
- impaired driving
- intentional high-risk driving
- rural roads
- speeding
- unauthorised driving
- the use of seatbelts and restraints.

Victoria Police must balance its resources across these issues – as well as its other responsibilities – to achieve the best outcomes for community safety.

One of these enforcement priorities – impaired driving – covers the road safety issues caused by drugs, alcohol, and fatigue.

To reduce drug driving, Victoria Police aims to:

- target enforcement initiatives at high-risk drivers in high-risk areas
- continue to issue infringement notices at the roadside
- increase banning periods
- work with the partners to explore innovative technology
- work with local media and other stakeholders to engage the community.

The roadside drug testing program

Aims of the program

Road safety programs have 2 primary aims – to detect and deter offending.

Victoria Police’s roadside drug testing program follows the same principles. It is one of many road safety programs implemented by Victoria Police to reduce the risk and prevalence of trauma.

Growth of the program

Victoria Police began conducting DIAs in 2000. It piloted oral fluid testing in December 2004. This trial was a world first and inspired similar programs in Australia and globally.

In ...	The TAC funded Victoria Police to increase the program’s output to ...
2014–15	100,000 POFTs per year until 2017–18.
2018–19	150,000 POFTs per year until 2020–21.

Victoria Police currently receives ongoing funding from the government to conduct 150,000 POFTs per year.

Detecting drug drivers

Victoria Police uses oral fluid testing and DIAs to detect drug drivers.

Typically, officers select drivers for POFTs by:

- randomly intercepting them on the road or as they pass through a preliminary testing site
- strategically intercepting them on the road.

To strategically intercept drivers, officers may use:

- intelligence about people, places and times at substantial risk for drug driving
- their professional judgement
- information from automatic number-plate readers (ANPR) – these identify vehicles that Victoria Police has flagged for investigative purposes or noncompliant licensing and registration.

Under the Act, only officers who have completed training and received authorisation from the Chief Commissioner can conduct OFTs and DIAs. Victoria Police’s internal policy extends this rule to POFTs. The Victoria Police Manual also restricts oral fluid testing to authorised officers stationed at approved work units. By contrast, authorised officers from any work unit can conduct DIAs.

Despite these restrictions, the police strategy emphasises that road safety – including impaired driving – is everyone’s responsibility. This means that all officers – regardless of their qualifications – have an obligation to enforce the Act and keep the community safe on Victorian roads.

Oral fluid testing process

Victoria Police’s oral fluid testing process has 3 steps. Two of these occur at the roadside – the POFT and the OFT. The last step, known as the confirmation test, occurs at VIFM.

After intercepting a driver, the officer will give them a sample collector to scrape along their tongue. The officer analyses this using a POFT device, which takes 3 minutes.

If the POFT returns a positive result, the driver will undergo an OFT. This requires them to saturate a swab with oral fluid, which typically takes 15 minutes. However, some drivers can take over an hour to produce the necessary oral fluid. In these instances, Victoria Police can require the driver to supply a blood sample instead. This is because it must obtain a sample within 3 hours of the intercept under the Act.

Once the driver has produced sufficient oral fluid, the officer analyses it using an OFT device. This takes 3 minutes. In the meantime, the officer splits the remaining sample into 2 vials and completes the necessary paperwork.

If the OFT returns a positive result, the officer gives the driver:

- one of these vials – this allows them to undertake independent analysis
- a hardcopy banning notice – this prevents them from driving for 12 or 24 hours.

Most first-time offenders will also receive an infringement notice at the roadside. This comes into effect 28-days after the intercept if VIFM verifies the OFT’s positive result.

The officer then transports the other vial – either personally or via courier – to the Road Policing Drug and Alcohol Section (RPDAS) in Brunswick. RPDAS checks and transcribes the sample’s supporting paperwork before sending it to VIFM for the confirmation test. If VIFM verifies the OFT’s positive result for a driver who has not received an infringement notice, Victoria Police will prepare a brief of evidence for the courts.

Victoria Police can only enforce penalties for drivers who fail both the OFT and confirmation test.

Drug impairment assessment process

DIAs typically involve 5 key steps.

An officer can conduct a DIA on anyone who they ...	After ruling out alcohol as the cause of impairment by conducting ...
observe driving while potentially affected by drugs	a preliminary breath test.
suspect of causing a collision within the last 3 hours	
find parked, asleep or unconscious in the driver’s seat	an evidentiary breath test.

First, the attending officer records their observations of the driver’s vehicle operation skills, appearance and behaviour. This procedure – known as the roadside impairment assessment – takes about 5 minutes. If the driver seems impaired by substances ‘other than alcohol alone’, the officer will take them to a station for the standard impairment assessment.

Under the Act, only authorised officers can conduct the standard impairment assessment. If the attending officer does not have the right qualification, they must arrange for an authorised officer to meet them at the station.

Upon arrival, the driver undergoes the necessary custody procedures and an evidentiary breath test. An authorised officer then conducts the standard impairment assessment, which takes about 25 minutes. This requires the authorised officer to:

- interview the driver
- document their observations of the driver’s appearance and behaviour
- examine the driver’s comprehension and motor skills by administering 3 physical tests.

If the driver fails this procedure, the authorised officer will demand a blood or urine sample. This requires the authorised officer to contact VIFM or take the driver to a local hospital. The

authorised officer then transfers the sample and supporting documentation to RPDAS, which sends it to VIFM for forensic analysis. If VIFM confirms drug-related impairment, the authorised officer will prepare a brief of evidence and summons the driver to court.

In all situations, Victoria Police must obtain a sample within 3 hours of beginning the process.

Deterring drug drivers

Deterrence theory frames most road policing programs. It suggests that drivers will follow the rules if they fear the consequences of offending – whether formal or informal.

The theory of ...	Suggests that ...	As a result of ...
specific deterrence	past offenders are less likely to commit crime	experiencing punishment.
general deterrence	potential offenders – such as the broader public – are less likely to commit crime	exposure to enforcement practices and information about the consequences of offending.

According to recent research, punishment avoidance is the most significant predictor of drug driving – more so than a person’s beliefs about the certainty, severity and speed of consequences.

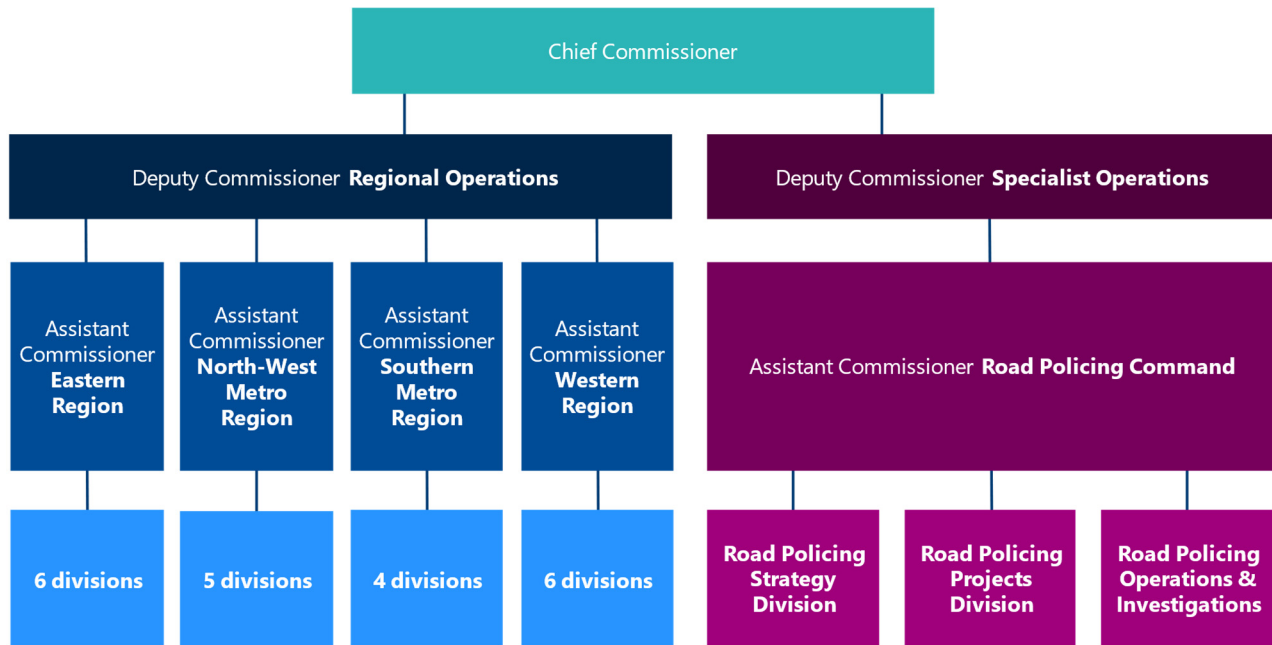
For example, if you – or someone you know – engaged in drug driving and ...	Then you are ...
experienced punishment	less likely to offend in the future.
avoided punishment	more likely to offend in the future.

Research also suggests that habitual drug users respond to different deterrence measures than recreational drug users. Victoria Police must keep these theories in mind when deciding how to use its resources.

Roles and responsibilities

Two portfolios in Victoria Police have responsibility for conducting roadside drug testing – Specialist Operations and Regional Operations (see Figure 3).

Figure 3: Victoria Police’s organisational structure for delivering the program



Source: VAGO, based on Victoria Police information.

Road Policing Command’s responsibilities

Specialist Operations contains the Road Policing Command, which has overarching accountability for the program’s strategic and operational management. It shares specialist knowledge with the regions to promote road safety.

The ...	Oversees units with responsibility for ...
Road Policing Strategy Division	developing intelligence, planning and policy material.
Road Policing Projects Division	delivering timebound improvement initiatives.
Road Policing Operations and Investigations Division	<ul style="list-style-type: none"> overseeing the program’s administrative functions, including evidence management, laboratory services, officer training, and data analysis promoting road safety through 3 enforcement areas.
Within Road Policing Operations and Investigations ...	Has responsibility for enforcing the Act’s drug driving provisions by conducting tests from ...
RPDAS Operations	large alcohol and drug testing vehicles (more commonly known as booze and drug buses), as well as cars.
the State Highway Patrol	cars and motorcycles.
the Heavy Vehicle Unit	cars (with a specific focus on truck drivers’ compliance).

These specialist units are based at various sites across metropolitan Melbourne but travel across Victoria to conduct operations.

**Regional
responsibilities**

The second portfolio, Regional Operations, contains the 4 regions, which oversee a combined 21 divisions. Each region leads Victoria Police's operational response within a defined area.

In 2021–22, the regions managed a total of 70 approved work units. These included 45 local highway patrol units, one crime investigation unit and 24 uniform stations of varying sizes.

2.

Maximising the program’s impact

Research shows that the program has a positive effect on road safety. However, Victoria Police does not have a clear, overarching framework for allocating tests. Without this, Victoria Police lacks assurance that it maximises the program’s road safety impact. Victoria Police also lacks a single point of oversight for test delivery, as well as a public engagement strategy that covers drug driving.

This means Victoria Police may miss opportunities to reduce drug-related harm and make the most of the program’s limited number of tests.

Maximising the impact of tests

Victoria Police currently receives funding for 150,000 POFTs per year. It must use these limited resources effectively to maximise the program’s impact on drug driving.

In July 2020 and November 2022, the Monash University Accident Research Centre (MUARC) found that the program makes a positive contribution to road safety. It estimated that:

Increasing output from ...	To ...	Prevented an additional ...
42,000 POFTs per year in 2012–13 and 2013–14	100,000 POFTs per year in 2015–16 to 2017–18	<ul style="list-style-type: none">• 33 fatal injury crashes yearly• 80 serious injury crashes yearly.
100,000 POFTs per year in 2015–16 to 2017–18	150,000 POFTs per year in 2018–19	<ul style="list-style-type: none">• 21 fatal injury crashes• 52 serious injury crashes.

Note: We have rounded MUARC’s estimated crash reduction benefits to the nearest whole number.

To increase its impact, MUARC advised Victoria Police to strengthen the program’s alignment with evidence. Doing so would help Victoria Police make the most of its finite POFTs.

How Victoria Police allocates the program’s tests

Allocating tests

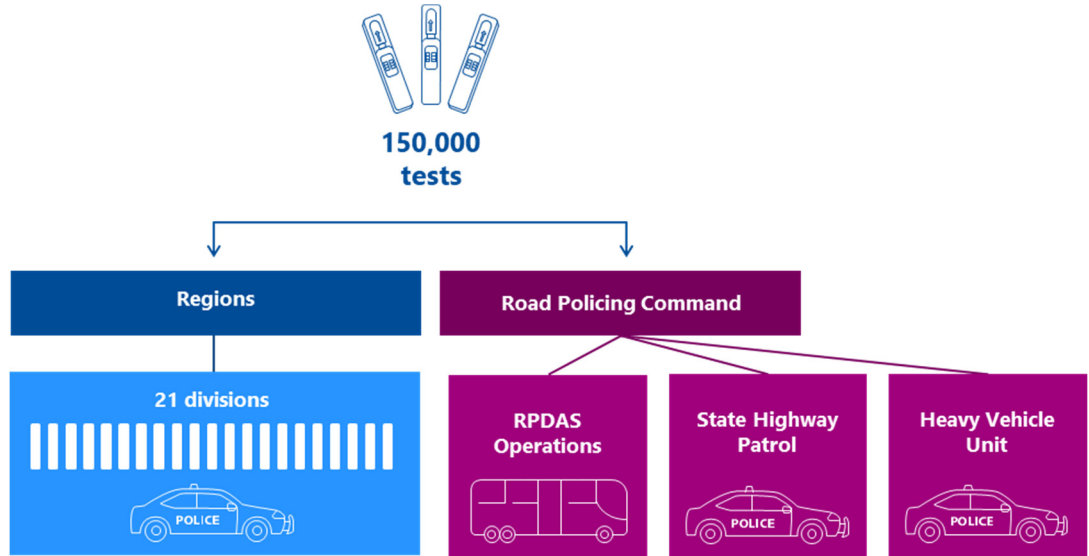
Ahead of each year, Victoria Police divides the program’s POFTs among its approved work units. This helps it manage the program’s resources and plan enforcement activities.

First, Victoria Police splits its POFTs into 2 portions – one for Road Policing Command and one for the regions. It then divides:

- Road Policing Command’s share among 3 enforcement areas
- the regions’ share among the 21 divisions.

Figure 4 outlines this process.

Figure 4: Victoria Police's annual allocation process



Notes: One unit in the State Highway Patrol also delivers tests from motorcycles. RPDAS Operations also conducts a small amount of car-based tests each year. For example, over the 10-year period from 2012–13 to 2021–22, RPDAS Operations conducted 95.1 per cent of its tests from buses and 4.9 per cent of its tests from cars. Source: VAGO, based on Victoria Police information.

Road Policing Command and the regions use different enforcement methods, which have varying effects on drug driving. For example, Road Policing Command conducts tests from buses, cars and motorcycles, while the regions solely conduct tests from cars. Victoria Police must consider these differences when allocating POFTs to maximise the program's road safety impact.

No overarching framework

Victoria Police lacks a clear, evidence-based rationale for how it splits the program's POFTs between Road Policing Command and the regions. This has consequences for the program's effectiveness because Road Policing Command assigns most of its resources to RPDAS Operations, which conducts primarily bus-based testing.

For example, in 2022–23, Victoria Police allocated 60,525 POFTs to Road Policing Command – or 40.4 per cent of the program's total. Road Policing Command then assigned 43,525 POFTs – or 71.9 per cent of its share – to RPDAS Operations. This is a substantial amount, particularly given that bus-based testing has different enforcement outcomes than car-based testing.

From 2012–13 to 2021–22, our analysis shows that:

- bus-based testing had a strike rate of 1.9 per cent – or 2 detections for every 100 POFTs
- car-based testing had a strike rate of 11.9 per cent – or 12 detections for every 100 POFTs.

This is likely because:

	Typically promotes ...	Which has the primary aim of ...	And the secondary aim of ...
Bus-based enforcement	general deterrence	discouraging the public from offending by presenting a large, highly visible police presence	detecting actual offenders.
Car-based enforcement	specific deterrence	detecting actual offenders through intelligence-led testing	discouraging the public from offending.

Intelligence-based testing uses information about the people, places and times at a high risk of offending to target the program's limited resources.

Given these differences, Victoria Police needs a clear, documented framework to support its mix of bus-based and car-based testing.

Research about best practice enforcement

In July 2020, MUARC finalised its first evaluation of the program's effectiveness. It advised Victoria Police that 'optimum operational practice' for drug driving enforcement requires a 'two-pronged approach' – namely:

To deter ...	Victoria Police should ...	These tests should ...
methylamphetamine users	focus on increasing the program's strike rate – that is, 'catching' drug drivers – by targeting high-risk areas during all hours of the day.	'primarily' come from car-based operations.
THC users	deliver a large volume of tests – mostly during high-risk hours – with some focus on high-risk areas.	

In November 2022, MUARC finalised its second evaluation of the program's effectiveness.

It advised Victoria Police that determining the 'optimum balance' between bus-based testing and car-based testing is 'equally important' to improving the program's road safety impact as increasing its total output. Specifically, it noted that greater rates of methylamphetamine use in the current driver population compared to THC use point to 'a higher proportion of car-based testing being optimal for reducing road trauma'.

MUARC's evaluation does not determine the ideal ratio between bus-based testing and car-based testing. However, it notes that increasing the program's strike rate – through car-based testing and/or 'intelligence-led targeting of operations' – would be 'optimal' for deterring methylamphetamine users and 'potentially' THC users.

Despite this, we have not seen any documented evidence that Victoria Police has considered how MUARC's findings from either evaluation affect the program's annual allocation process.

While Victoria Police currently conducts car-based testing at a significantly higher rate than bus-based testing, this is an opportunity to further enhance the program's impact.

In November 2023, Victoria Police told us that it is committed to aligning the program with MUARC's findings and other research.

Using an evidence-based approach

While there are issues with how Victoria Police splits the program's POFTs between Road Policing Command and the regions, it has a robust evidence base for dividing the latter's share among the 21 divisions, which is best practice.

Since 2020–21, Victoria Police has used an evidence-based statistical model to split the regions' POFTs. Its methodology aligns with MUARC's recommendation to prioritise intelligence-led testing.

Of the available tests, the model allocates ...	To promote ...	By analysing each division's ...
80 per cent	specific deterrence	drug driving risk using various datasets.
20 per cent	general deterrence	population risk using various datasets.

However, Victoria Police lacks policies and procedures to oversee the model's use, which may undermine its effectiveness. It also has not clearly documented its reasons for deviating from the

model's recommendations, which may make it difficult to address any capacity issues in the regions.

Without clear guidance on when and how to adjust the statistical model's proposals, Victoria Police may inadvertently reduce the program's impact by diverting resources from higher risk areas.

How Victoria Police manages and oversees testing

Tasking and coordination

Once Victoria Police has allocated POFTs, it manages their delivery through the tasking and coordination (T&C) process. This should decide when, where and how officers conduct tests to maximise their impact on road safety.

Tasking and coordination

'Tasking' is the process of setting assignments for units. 'Coordination' involves organising resources, such as officers and equipment, to support these tasks. This informs all aspects of police work.

Each command, region and division has its own T&C committee. These meet monthly to:

- set strategic and operational priorities
- develop and assess evidence-based enforcement strategies
- monitor risks and emerging trends
- discuss intelligence
- review their performance.

The State T&C Committee overarches this process. It sets Victoria Police's organisational objectives and has many standing agenda items, including the 'discussion and review' of Road Policing Command's performance.

The State T&C Committee includes senior officers from the program's 5 reporting lines – Road Policing Command and the 4 regions. Ordinarily, these reporting lines do not have oversight of one another's performance. Therefore, the State T&C Committee's monthly meetings provide Victoria Police with a structured forum for cross-command direction and accountability.

Oversight of the program

The State T&C Committee sets, monitors and evaluates Victoria Police's response to state-level community safety issues. However, because it did not identify drug driving as an organisational priority in 2021 or 2022, the State T&C Committee has not planned or formally assessed Victoria Police's response at the organisational level. As such, there is a risk that committees across the program's 5 reporting lines do not set evidence-based tasks about drug driving.

In addition, according to its Terms of Reference, the State T&C Committee should ensure Victoria Police's many commands, regions, and divisions implement T&C effectively. This is important because the T&C process is Victoria Police's primary mechanism for planning and reviewing its enforcement practices. However, the State T&C Committee did not provide this assurance throughout the 2021–22 financial year. This is a missed opportunity to:

- ensure the regions and divisions use their POFTs in a risk-informed, intelligence-led way
- encourage evidence-based practice and continuous improvement more broadly.

Road Policing Command's oversight of the regions

Road Policing Command provides regular briefings to the State T&C Committee. This includes information about emerging issues and risks, as well as tasking opportunities for the regions.

Road Policing Command also circulates monthly reports to the regions about each division's output and strike rate. But these reports do not comment on the program's strike rate or use other

measures that encourage best practice enforcement. This is a missed opportunity to follow-up on identified tasking opportunities and promote evidence-based practice in line with MUARC’s research – particularly its findings about conducting tests in high-risk areas during high-risk hours.

Despite this, Road Policing Command:

- reallocates POFTs throughout the year in response to capacity issues and shifting priorities
- produces monthly and quarterly intelligence products, which it disseminates to the regions
- shares information with the regions at state road policing forums.

It has also:

- produced evidence-based drug driving risk profiles for each division
- created an ANPR ‘hot list’ of recent drug driving offenders to support intelligence-led testing
- held a Road Policing Safety Forum in September 2023 to help officers understand MUARC’s findings.

Gaps in knowledge of test delivery

Victoria Police does not collect key information about test delivery. This limits its ability to understand and improve the program’s effectiveness through the T&C process.

The Victoria Police Manual states that officers must complete an online form after any shift that involved oral fluid testing. This requires officers to input various details, including the number of POFTs and OFTs administered to drivers by gender and vehicle type. However:

The form does not capture ...	So Victoria Police does not know whether officers conduct POFTs ...	This means it cannot easily analyse ...
the circumstances in which officers conducted POFTs	<ul style="list-style-type: none"> • after a random intercept • after a strategic intercept • at a preliminary testing site • following a collision. 	whether officers conduct POFTs in line with tasks or up-to-date evidence.
whether officers administered POFTs to motorcyclists	on this high-risk cohort of road users.	whether drug driving among motorcyclists has changed over time.
other details about drivers who received POFTs	on specific demographics of road users.	patterns among certain groups or officer biases.

Road Policing Command’s T&C process

Despite these gaps, Road Policing Command has made a concerted effort to incorporate evidence into its T&C processes. In November 2021, it introduced an intelligence-led model to help it schedule deployments in ‘areas of operation’ across Victoria. This aims to:

- influence road user behaviour on priority safety issues, including drug driving
- improve Road Policing Command’s collaboration with the regions, partners and local media
- consider and resource a broad range of safety issues more holistically.

In June 2022, Road Policing Command evaluated its first deployment under the new model. Prior to this, it did not know whether its deployments set appropriate tasks for officers, had sufficient resourcing, improved driver compliance or reduced road trauma.

Since this time, Road Policing Command has committed to conducting annual evaluations. In March 2023, it commenced a new evaluation of 2 deployments – one metropolitan and one rural.

How Victoria Police engages with the public to deter drug driving

Public engagement strategy

Although the TAC has primary responsibility for road safety education campaigns, Victoria Police also uses public engagement to deter drug drivers.

Road Policing Command ...	The regions ...
works with Victoria Police's Media Communications and Engagement Department to develop messages about drug driving.	liaise directly with local media and manage their own social media pages.
creates media plans for its quarterly deployments and statewide operations, which it shares with the regions.	engage with the public through other initiatives, such as school education programs and visits to community organisations, including sporting clubs.

However, Victoria Police does not have a comprehensive, evidence-based strategy to guide its public engagement efforts. This means it has not set clear rules and expectations for effective engagement, which increases the risk that:

- the regions may duplicate work or develop inconsistent messages
- Victoria Police may not effectively engage with people at risk of drug driving.

This is a critical gap in the program's ability to improve road safety. Research suggests that agencies must carefully develop drug driving content to avoid having a negative effect.

Good communication should emphasise that ...	However, it must also ...
there is a considerable risk of officers intercepting drug drivers 'anytime, anywhere'.	tailor messages to different drug users.
severe consequences are unavoidable.	avoid stigmatising drug users, which could prevent them from seeking help.
drug driving poses a risk to community safety.	avoid glamourising and normalising drug use.

Victoria Police works closely with the TAC and supports it to develop education campaigns by providing:

- feedback on ideas, wording and images
- advice on times and physical display locations to maximise the campaigns' impact.

However, Victoria Police has not documented how its role in communications differs from and complements the TAC's. Clarifying this may help the 2 agencies work together more effectively – particularly if either agency has significant staff turnover.

How Victoria Police uses news media

Victoria Police provided us a selection of news stories about drug driving. It produced these in collaboration with various media outlets from July 2021 to December 2022.

We found that most of these stories ...	This means that they may not ...
related to the periods before, during or after statewide operations, which mostly cover major holidays.	create the perception that Victoria Police conducts drug driving enforcement 'anytime, anywhere'.
only mentioned drug driving briefly.	have strong enough messages to deter drug driving.

**How Victoria
Police uses
social media**

We also received 3 social media reports covering a 9-month period to September 2022 showing Victoria Police’s road safety posts that received a lot of engagement. None of these reports had substantial content about drug driving. While Victoria Police advised us that the content it produces must reflect all road safety risks, the lack of drug driving related content is a missed opportunity. This is because social media allows Victoria Police to:

- tailor its content to specific audiences at risk of drug driving
 - control the message – it is not reliant on journalists to translate talking points into a story.
-

**How Victoria
Police oversees
education
programs**

In March 2022, Road Policing Command surveyed the regions to collect information about their road safety education programs. It identified various initiatives delivered by Victoria Police – either solely or in partnership with other organisations. However, these have little focus on drug driving. There is an opportunity for Road Policing Command to develop centralised resources. This would help the regions deliver programs, avoid duplication and ensure consistent messaging.

3.

Monitoring the testing process

Victoria Police does not effectively monitor whether officers follow the program's rules for conducting tests. As a result, it does not know whether officers issue temporary banning notices to alleged offenders. Victoria Police also does not know whether officers discuss support options with alleged offenders, use test devices correctly or have up-to-date training qualifications, which may reduce the program's impact.

Effective oversight

Victoria Police must monitor officers' compliance with the program's rules to minimise the risk of error. Without effective oversight, Victoria Police will not have certainty that officers:

- issue banning notices to alleged offenders
- discuss support options with alleged offenders
- use test devices correctly
- have up-to-date qualifications.

Banning alleged offenders

Issuing banning notices and creating digital records

Under the Victoria Police Manual, officers must issue a banning notice to any driver who fails an OFT. Banning notices improve community safety by preventing alleged offenders from driving for 12 or 24 hours.

The Victoria Police Manual also requires officers to submit a field contact report to a database whenever they issue a banning notice. Field contact reports are important because they provide:

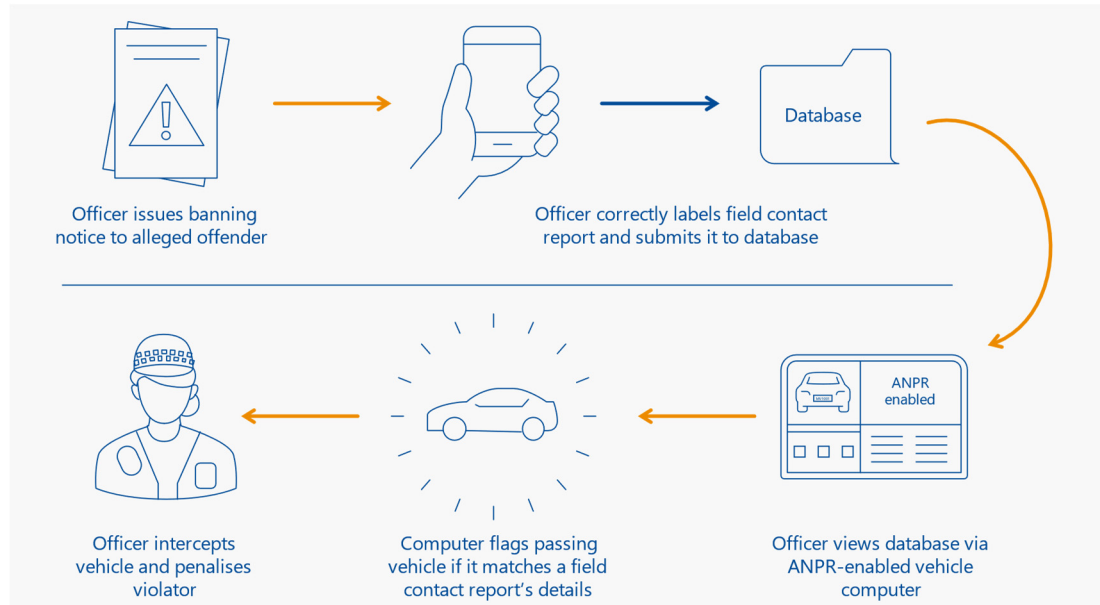
- Victoria Police with proof that a driver has received a hardcopy banning notice
- other officers with vital information about alleged offenders.

Field contact reports help officers prevent and respond to crime by collecting information about people and vehicles. The Victoria Police Manual lists 8 circumstances in which officers should submit a field contact report – including if they reasonably believe that a person has committed, or is about to commit, an offence.

Typically, supervisors approve field contact reports before they appear in the online database. However, because banning notices expire quickly, officers need prompt access to the relevant information. For this reason, Victoria Police requires officers to bypass the standard approval process by tagging their field contact reports with only one offence type: 'drug/drink driver ban'.

Figure 5 shows how correctly submitting a field contact report helps officers keep banned drivers off the roads.

Figure 5: Process for issuing banning notices and submitting field contact reports about drug driving



Source: VAGO, based on Victoria Police information.

Submitting field contact reports

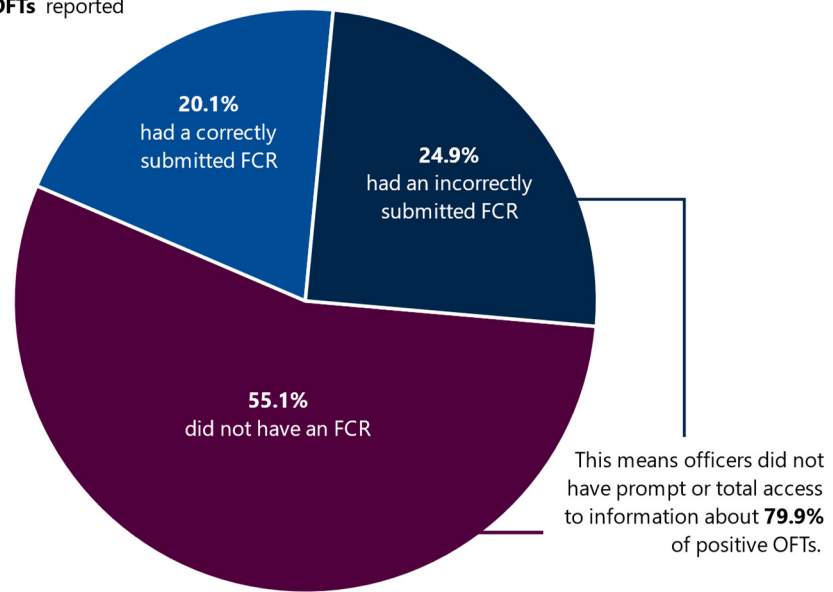
There is a risk that potentially drug-affected people did not receive a banning notice or violated their banning notice without detection. Victoria Police told us that it acknowledges these risks and commits to addressing them.

Between 1 July 2022 and 30 November 2022, officers reported 4,227 positive OFTs but only submitted 1,900 field contact reports. This means Victoria Police does not know whether officers issued 2,327 banning notices – or 55.1 per cent of the total.

We also found that officers submitted only 849 of the 1,900 field contact reports correctly (by tagging them with only one offence type). This means that officers lacked either total or prompt access to information about 79.9 per cent of alleged offenders, as seen in Figure 6.

Figure 6: Number of submitted and unsubmitted field contact reports

Of the **4,227 positive OFTs** reported by Victoria Police ...



Notes: 'FCR' stands for field contact report. Due to rounding, figures do not add up to 100 per cent. Source: VAGO, based on Victoria Police information.

Oversight of banning notices and field contact reports

Victoria Police does not monitor whether officers submit field contact reports about drug driving. For example, it does not compare the number of positive OFTs against the number of relevant field contact reports. Doing so would help it identify officers who fail to submit field contact reports so it can improve compliance rates.

We also found that the field contact report form has some limitations. These make it harder for Victoria Police to monitor officers' submissions and oversee alleged offenders.

The field contact report form...	This means that ...	Which may ...
does not have a data-entry field that clearly captures when the banning notice expires.	officers must read a free-text field on their vehicle computers to figure out whether a ban is current	affect their ability to detect drivers who violate their banning notices.
does not have data validation rules to ensure officers use only one offence type.	officers may categorise their field contact reports with multiple offence types	delay access to vital information about banning notices.

Guidance about banning notices and field contact reports

Victoria Police does not provide officers complete and accurate information about how to issue a banning notice and submit a field contact report. This increases the risk of noncompliance.

In May 2022, Victoria Police updated the Victoria Police Manual to state that officers must issue a banning notice to any driver who fails the OFT and submit a relevant field contact report.

Figure 7 shows that Victoria Police did not revise its reference material to reflect these changes. It also did not collate the relevant rules in a single document, which may make it difficult for officers to understand their expectations.

Figure 7: Differences in listed requirements for banning notices and field contact reports

Requirement	Victoria Police Manual	Testing handbook	Reference manual	Reporting poster
Officers must issue a banning notice to all drivers who fail the OFT.	✓	✗ Discretionary	✗ Discretionary	○
Officers must submit a field contact report after issuing a banning notice.	✓	✓	✗ Only repeat offenders	○
Officers must label each field contact report with one offence type.	○	✓	○	✓

Note: This table uses symbols to denote correct information (✓), incorrect information (✗) and the absence of information (○).
Source: VAGO, based on Victoria Police information.

Connecting alleged offenders with support services

Requirements for submitting eReferrals

Victoria Police’s eReferral system connects victims and at-risk individuals with support services.

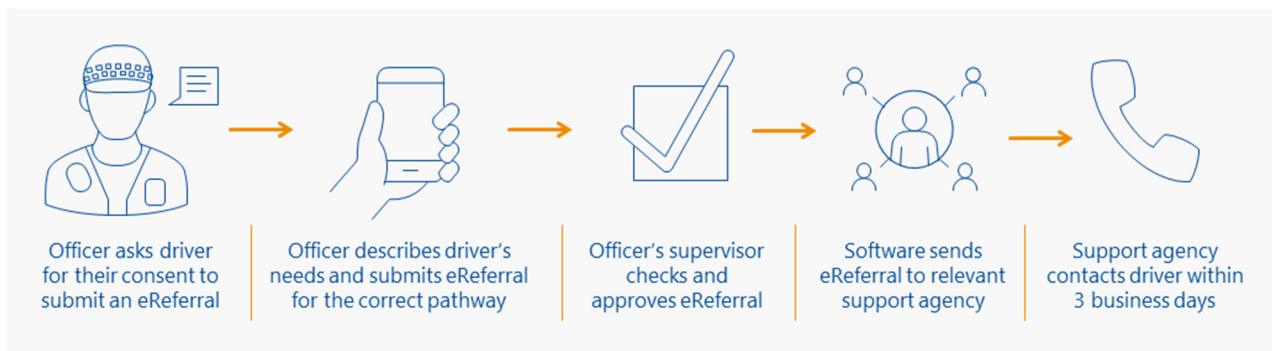
In April 2020, Victoria Police implemented an eReferral pathway specific to alleged drug driving offenders. This positive development aims to improve road safety by:

- reducing the likelihood that drivers will reoffend between the OFT and the date their penalty notice comes into effect (a minimum of 29 days)
- providing drivers with access to early intervention and treatment services, which may help them improve their health.

The Victoria Police Manual states that officers should:

- submit an eReferral for repeat drug driving offenders
- ‘consider’ submitting an eReferral for first-time drug driving offenders.

Figure 8: Process for submitting eReferrals



Source: VAGO, based on Victoria Police information.

Officers' eReferral submissions

Victoria Police does not know whether officers discuss the eReferral pathway with alleged offenders. As a result, it may miss opportunities to help drivers with substance abuse issues. This limits its ability to achieve long-term reductions in drug-related harm.

Our analysis of Victoria Police’s data shows that officers reported about 10,000 positive OFTs between April 2020 and March 2021. The Road Policing Intelligence Unit – part of Road Policing Command – found that officers submitted only 370 eReferrals for the same period.

Oversight of eReferral submission

Officers complete various paper-based forms while conducting an OFT. These do not require officers to document whether they offered an eReferral to alleged offenders. According to the Road Policing Intelligence Unit, collecting this information would help Victoria Police do 'more critical analysis' of the pathway's uptake.

We agree with this finding. However, Victoria Police is yet to implement this recommendation – despite the Road Policing Intelligence Unit performing its assessment over 2 years ago.

This means it does not know whether the eReferral system's low sign-up rate is due to officers not promoting its benefits or alleged offenders' lack of interest.

Without this baseline information, Victoria Police cannot ...	This limits its ability to increase sign-up by ...
monitor whether officers comply with the Victoria Police Manual.	<ul style="list-style-type: none"> • following up with officers • improving the program's training about the importance of eReferrals.
meaningfully analyse the pathway's uptake.	<ul style="list-style-type: none"> • assessing its service delivery options • enhancing the appeal of eReferrals.

Promoting eReferrals

Victoria Police does not effectively promote the eReferral pathway internally. This increases the risk that officers will not discuss its purpose and benefits with alleged offenders.

Figure 9 shows the information included in Victoria Police's reference materials.

Figure 9: Differences in listed requirements for submitting eReferrals

Requirement	Victoria Police Manual	Testing handbook	Reference manual	Reporting poster	eReferral factsheet
Officers should try to submit an eReferral for repeat offenders.	✓	○	✓ All drivers	○	○
Officers should 'consider' the eReferral for first-time offenders.	✓	○	✓ All drivers	○	○
Officers must obtain a driver's consent to submit an eReferral.	✓	○	○	✓	✓

Note: This table uses symbols to denote correct information (✓), incorrect information (✗) and the absence of information (○). Source: VAGO, based on Victoria Police information.

The Victoria Police Manual contains all 3 requirements for submitting eReferrals. However, it does not give officers information on how and when to offer an eReferral. This may discourage them from holding these important conversations. Also, Victoria Police's testing handbook – which officers discuss during training – does not contain any information about the eReferral system.

This means Victoria Police may miss opportunities to:

- promote awareness of eReferrals internally
- help officers decide whether it is appropriate to discuss eReferrals with alleged offenders
- help officers discuss substance abuse issues in a sensitive way.

Reducing testing errors

False negative and false positive results

Due to limitations with roadside drug testing technology, Victoria Police can expect a small number of false negative and false positive results.

In this report, we use the term ...	To refer to situations where VIFM's confirmation test does not verify an OFT's ...
false negative result	negative result – this means that VIFM detected the presence of a drug in a driver's oral fluid sample, but the OFT did not.
false positive result	positive result – this means that VIFM did not detect the presence of a drug in a driver's oral fluid sample, but the OFT did.

Note: VIFM only reports a drug as 'present' in the confirmation test if it is above the cut-off concentration for a positive result. This means that oral fluid samples containing only trace amounts of drugs will return a negative result on the confirmation test.

It is important to monitor these adverse outcomes to ensure they remain within acceptable limits. A high rate of false negative and/or false positive results may indicate there is a problem with:

- the program's testing processes or devices
- officers' compliance with key procedures
- sample management protocols.

No process to review false negative results

Victoria Police sends all samples to VIFM for confirmation testing, which gives it oversight of false negative results. While this is good practice, it lacks a documented process to ensure that the rate of false negative results is within acceptable limits.

For example, Victoria Police does not have policies and procedures that outline:

- the expected rate of false negative OFT results, given the OFT device's specifications
- how and when it will examine and address issues internally
- how and when it will escalate issues to VIFM and the OFT device's manufacturer.

By not tracking this outcome at the ...	It has limited ability to detect and address ...
program level	systemic issues with the program's processes.
officer or unit level	local issues with the program's processes.

Reactive assessment of false negative results

In early 2022, Victoria Police assessed the program's rate of false negative results. This responded to concerns from officers that many drivers passed the OFT – despite failing the POFT and admitting to recent drug use.

Victoria Police examined 1,250 negative OFT samples analysed by VIFM between 1 January 2020 and 31 December 2021. Of these, VIFM's confirmation test identified that 775 – or 62.0 per cent – contained prosecutable amounts of one or more prescribed illicit drugs. Victoria Police concluded that this posed an 'unacceptable risk to the community and road safety efforts.' As a result, it has performed further testing with VIFM and the OFT device manufacturer.

The Road Policing Strategy Unit – part of Road Policing Command – recommended that Victoria Police prosecute these drivers by pursuing legislative amendment. In September 2023, the Assistant Commissioner for Road Policing Command endorsed this advice and forwarded it to Victoria Police's Capability Department for 'urgent' consideration. This reform opportunity shows that Victoria Police is progressing work that will enhance its ability to penalise drug drivers and remove them from the roads.

How Victoria Police reviews false positive results

Victoria Police has a documented process for reviewing the cause of false positive results. This is good practice because it helps Victoria Police deliver targeted training to officers, which improves the program’s integrity by reducing the risk of error.

To review a false positive result, the RPDAS Training Services Unit – part of Road Policing Command – collates information about the OFT in a spreadsheet. Staff then assess the relevant officers’ body-worn camera footage to identify any compliance issues that may have contributed to the result. They then rate the authorised officer’s conduct using a 4-point scale, where:

- level 1 indicates no or minimal errors – this requires the officer to complete online training
- level 4 indicates clear breaches – this requires the officer to complete face-to-face training.

Targeting false positive results for review

Victoria Police’s process for assessing false positive results is time-consuming and under-resourced, which led to a significant backlog of unreviewed cases. This means Victoria Police may miss opportunities to identify and correct errors, which could affect the program’s reliability.

Between 16 September 2020 and 3 May 2023, the RPDAS Training Services Unit identified 583 OFTs for review, including 571 with false positive results. These cases involved 284 officers.

We found that ...	Had at least ...
128 officers	2 OFTs identified for review
63 officers	3 OFTs identified for review
26 officers	5 OFTs identified for review

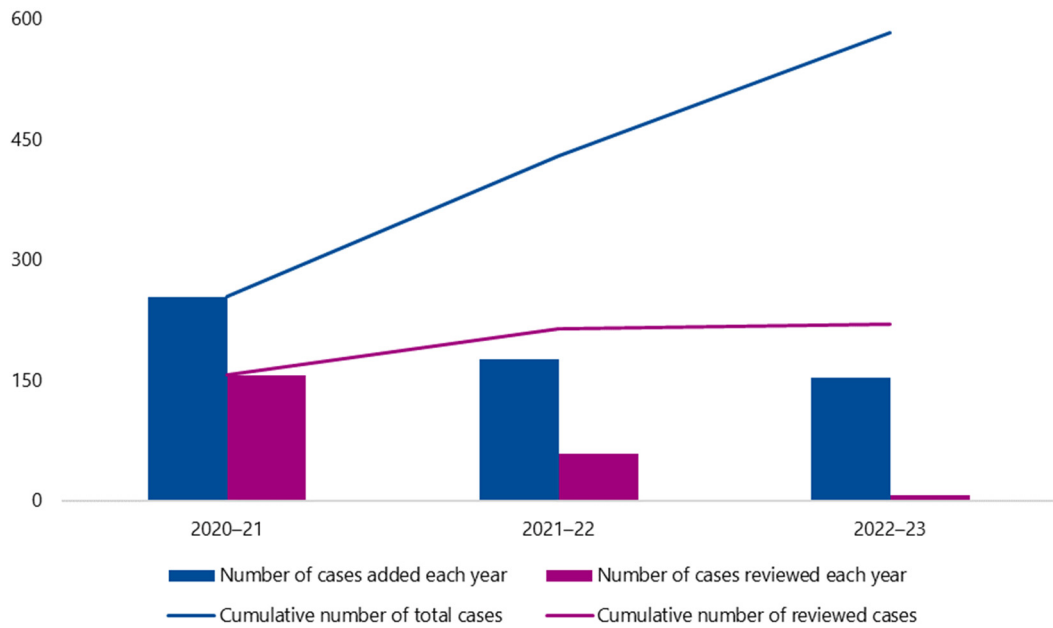
As of May 2023, the RPDAS Training Services Unit had only reviewed 220 cases, involving 119 officers. This means Victoria Police:

- has not provided feedback to at least 165 officers, or 58.1 per cent of the total
- does not know whether officer error or process issues affected the outcome of 363 OFTs, or 62.3 per cent of the total.

Without timely reviews, there is a risk that officers whose actions contributed to a false positive result may repeat the error, further affecting Victoria Police’s ability to penalise drug drivers and remove them from the roads. For example, of the 220 reviewed cases, 95 (43.2 per cent) received a rating of level 2 or higher, meaning that officer error or process issues likely contributed to the result.

Despite this, the number of cases reviewed by Victoria Police each year has declined over time, as Figure 10 shows.

Figure 10: Cases reviewed by the RPDAS Training Services Unit



Note: This covers the period from mid-September 2020 to early May 2023.
Source: VAGO, based on Victoria Police information.

We also could not verify that:

- 59 of the 108 officers who received a level 1 or level 2 rating completed the required training
- 4 of the 20 officers who received a level 3 or level 4 rating completed the required training.

This suggests that Victoria Police’s review process does not operate effectively.

In October 2023, Victoria Police informed us that it has cleared the backlog of unreviewed cases.

Refresher training

To further reduce the risk of error, Victoria Police requires authorised officers to complete an online refresher course every 3 years to maintain their skillset and keep abreast of operational changes. If authorised officers do not follow this rule, then Victoria Police may suspend or cancel their right to conduct oral fluid testing.

Victoria Police does not have a documented process to ensure that authorised officers complete the online refresher course. This means that some officers may lack the skills or knowledge to conduct tests, which could affect Victoria Police’s ability to detect and penalise drug drivers.

Victoria Police informed us that it runs a quarterly report to identify officers who ...

It then ...

are approaching their due date.

- notifies the officers of their obligation to complete the online refresher course in a timely manner.

have exceeded their due date.

- notifies the officers’ superiors
- forbids the officers from conducting further tests until they have completed the online refresher course.

However, between 1 July and 31 December 2022, we saw evidence that 43 authorised officers continued to conduct OFTs after their qualifications expired. This suggests that Victoria Police’s process for monitoring training completion is not fully effective.

4.

Reviewing and improving the program

Victoria Police has enhanced the program over the past 6 years. However, without a comprehensive improvement strategy, it has missed opportunities. Victoria Police has not automated the program's administrative processes, which is a key barrier to growth.

Effective improvement processes

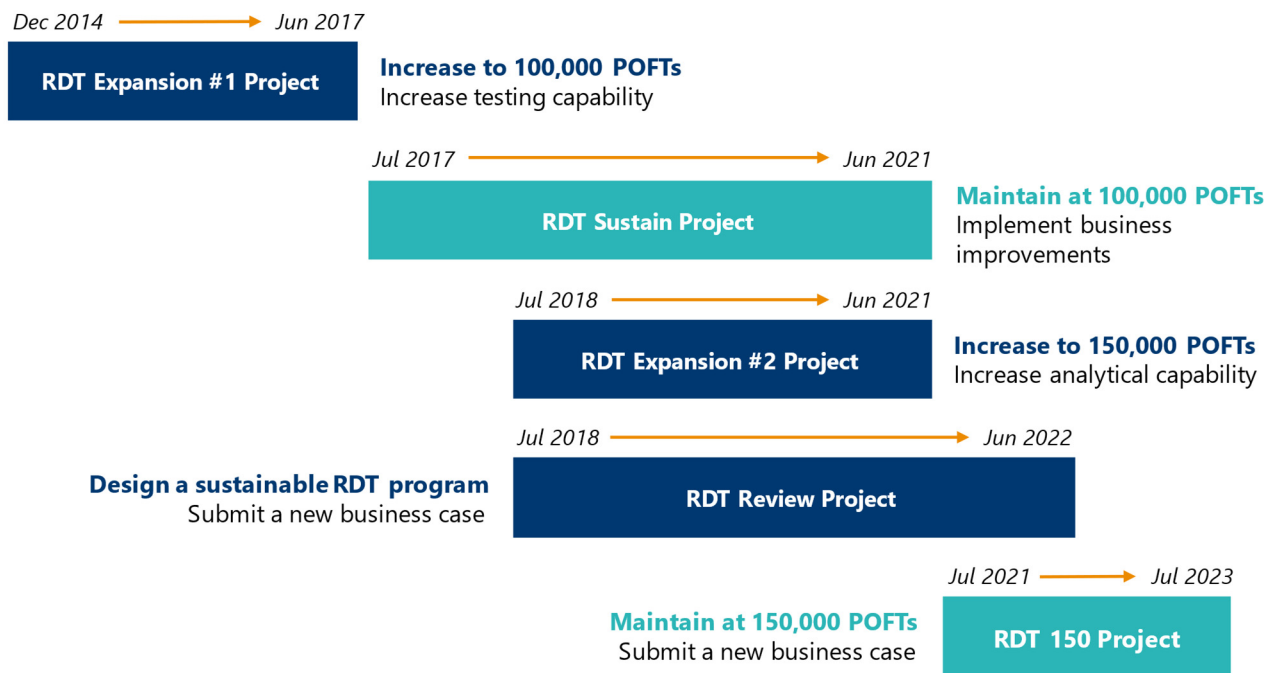
Victoria Police does not have a strategy to guide the program's growth and development, or a policy to periodically review and improve its processes.

This is partly because the program's funding arrangements have meant that Victoria Police has had to plan and deliver change through multiple, time-limited projects. The COVID-19 pandemic also interrupted its efforts to develop a long-term, strategic focus. However, without a coordinated approach to program development and continuous improvement, Victoria Police has missed opportunities to expand the program's capacity and capability.

Project timelines From December 2014 to July 2023, the Road Policing Projects Division (part of Road Policing Command) led 5 projects to expand and enhance the program. These included:

- reviews of the program's administrative and testing processes
- evaluations of the program's impact.

Figure 11: Victoria Police's projects – goals, dates and funding sources



Notes: The TAC funded the blue projects and the government funded the green projects. RDT stands for Roadside Drug Testing. Source: VAGO, based on Victoria Police information.

How Victoria Police is improving the program

Reviews and evaluations of the program

While Victoria Police did not assess the program's effectiveness for 15 years, it has since conducted several reviews and evaluations. These give it a solid evidence base to guide the program's improvement efforts, increasing the likelihood that it will invest in impactful projects.

In 2019, it ordered a review of ...	Which aimed to ...
the program's development	document its history and assess testing practices in other jurisdictions across Australia.
the program's deterrence model	improve how Victoria Police reduces drug driving.
the program's operating model	identify risks and issues that limited its effectiveness.
roadside drug testing technology	discover whether Victoria Police could replace the 3-step oral fluid testing process with a single device.
sample management logistics	find ways to scale the program by increasing efficiency.

MUARC has also completed 2 evaluations of the program's effectiveness: one in July 2020 and the other in November 2022.

Since 2019, Victoria Police has commissioned other reviews to support the program's improvement. For example:

- in 2021, 2 consultants – including MUARC – evaluated Victoria Police's trial of issuing infringement notices at the roadside to first-time offenders
- in 2022, Victoria Police hired a consultant to help the partners understand the drug driving landscape and identify ways of improving deterrence, resulting in the companion report.

Making the recommended improvements

Victoria Police did not implement all the recommendations from its 2019 reviews. However, staff on the Roadside Drug Testing (RDT) Review Project developed 9 work packages to progress some of them.

We asked Victoria Police how it chose which recommendations to progress, but it could not provide us with documents outlining its decision-making process.

As a result, there is a risk that it did not develop the program in a strategic way. This risk is worsened by the fact that Victoria Police does not have a strategy that sets out a clear vision for the program’s future operations.

Victoria Police’s fragmented approach to projects may also have impacted its ability to implement recommended improvements to the program.

We found that ...	This meant that ...
due to time-limited project funding, Victoria Police hired project staff on fixed-term contracts.	<ul style="list-style-type: none"> • it was hard to attract and retain staff • staff sometimes lacked the capacity and corporate knowledge to deliver initiatives on time.
3 projects occurred concurrently.	<ul style="list-style-type: none"> • staff may not have known about organisational priorities and potential linkages between projects • there was an increased risk of delay due to dependencies between the projects.

While Victoria Police needs more funding to address some recommendations, it can explore others with existing resources.

For example, one of the 2019 reviews recommended that Victoria Police:

- identify a single point of accountability for the program’s performance
- develop a culture that encourages continuous improvement.

It is not clear who in Road Policing Command is responsible for leading continuous improvement outside of its formal, timebound projects. This is because no-one below the Assistant Commissioner has overall accountability for the program. Rather, different areas of Road Policing Command are responsible for different parts of the program.

Victoria Police told us that every person in the chain of command is accountable for delivering their aspects of the program. However, a formalised continuous improvement process could enable Victoria Police to collate different issues, identify patterns and drive program growth in a more holistic and structured way.

Improving testing technology

Victoria Police has considered whether it can achieve efficiencies by replacing:

- the POFT and the OFT with one roadside screening test
- the POFT, the OFT and the confirmation test with one evidentiary-level roadside test.

While it is positive that Victoria Police has explored these options, it found that:

- current technological limitations mean it cannot eliminate the confirmation test
- by requiring confirmation testing at an approved laboratory, the Act discourages manufacturers from developing an evidentiary-level roadside test.

Given this, it is critical that Victoria Police improves other aspects of the program, including its manual data collection processes, which cause inefficiencies for testing and sample management.

Key factors in expanding the program

MUARC research has found that conducting more tests would contribute to reducing road trauma and more effectively deter drug driving.

In its second evaluation, MUARC undertook cost–benefit analysis and found that Victoria Police can justify conducting about 400,000 POFTs per year. Provided that Victoria Police follows MUARC’s recommendations for best practice enforcement, this could prevent a further 54.2 fatal injury crashes per year. These recommendations include conducting primarily car-based tests.

However, MUARC cautioned that these recommendations reflect:

- the current profile of drug use among Victorian drivers
- recent modelling about the link between test delivery and drug-related trauma.

As a result, Victoria Police must undertake regular evaluations to establish whether these relationships remain constant. This will ensure that it expands the program in an effective way.

Victoria Police must also ensure that:

- it and VIFM have capacity and capability to deliver and process additional tests
- its own processes, systems and test devices are efficient and fit for purpose.

Victoria Police submitted a business case to the government for the 2021–22 state budget. This outlined a 10-year plan to build the program’s capacity to deliver 250,000 POFTs per year. However, government did not fund the proposal.

Improving administrative processes

One of the 2019 reviews found that inefficient and paper-based data collection processes increased the program’s costs and administrative burden.

The review emphasised that automating roadside data collection processes is key to Victoria Police’s ability to grow the program. However, the RDT Review Project did not identify this as one of its work packages. Victoria Police did not progress this recommendation until 2022, when it engaged a consultant to scope roadside data automation as part of the RDT 150 Project.

Victoria Police asked for funding to automate its data collection processes as part of its business case for the 2023–24 budget. However, the government did not fund all of Victoria Police’s requests from this proposal. Victoria Police has streamlined other administrative processes, including by introducing electronic:

- shift return forms
- toxicology certificates from VIFM.

This has increased the efficiency of these processes and reduced the risk of errors.

Suspending first-time offenders

In May 2023, Victoria Police changed its policy to allow officers to issue infringement notices at the roadside to first-time offenders.

Under Victoria Police’s old process, officers could not issue infringement notices until VIFM had confirmed the OFT’s positive result. This meant that drivers’ infringement notices came into effect 63 to 91 days after the roadside test.

Victoria Police’s new process begins the infringement notice’s 28-day countdown at the point of detection. This means that if no objection is lodged, a conviction and suspension comes into effect on the 29th day – up to 62 days sooner. This change aligns with research that shows that, if a person receives timely punishment, they are less likely to reoffend.

According to MUARC, Victoria Police’s new process will significantly improve road safety by preventing an estimated 879 traffic offences and 10 casualty crashes each year.

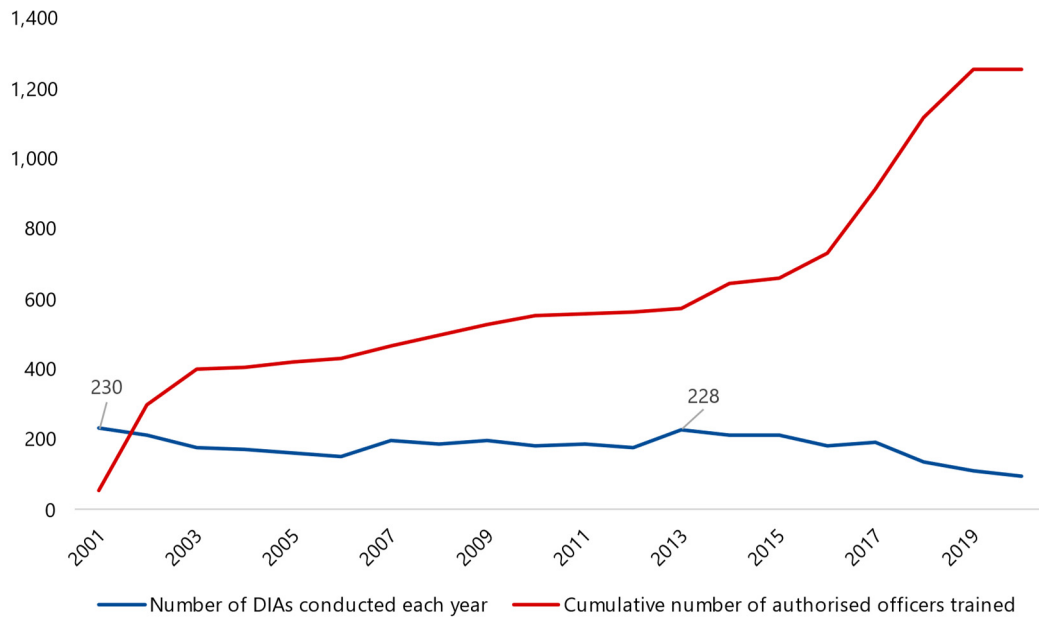
Use of DIAs

Victoria Police underuses DIAs, even though they are the only way it can detect and penalise people affected by anything other than the Act's 3 prescribed illicit drugs.

Figure 12 shows that Victoria Police's annual output of DIAs has remained stable, despite the number of authorised officers increasing.

Between January 2001 and December 2020, Victoria Police conducted an average of about 179 DIAs per year. This low number means it has likely missed opportunities to detect drug drivers and remove them from the roads.

Figure 12: Victoria Police's annual DIA output and cumulative number of trained officers



Notes: Victoria Police did not train officers to conduct DIAs in 2020 due to the COVID-19 pandemic. The cumulative number of authorised officers trained may not include those who have since left Victoria Police.
Source: VAGO, based on Victoria Police information.

Improving the DIA process

In mid-2022, Victoria Police comprehensively reviewed its DIA process to identify opportunities for improvement. The Drug Impairment Assessment Review found that the DIA process is complex and time-consuming – particularly when it comes to organising and obtaining a blood sample. This, among other issues, discourages officers from conducting and/or requesting DIAs.

The review made 19 recommendations to:

- reduce the time taken for an authorised officer to arrive at the scene
- reduce the time taken to obtain a blood sample
- make the DIA process easier for authorised officers to complete by removing and/or streamlining steps.

In December 2022, the Acting Assistant Commissioner for Road Policing endorsed a project to implement the review's recommendations.

As of May 2023, 11 of the 19 recommendations are still in progress. Fully implementing these recommendations will help remove the barriers that officers face when conducting DIAs.

Ensuring tests address drug risks

Victoria Police has also taken positive steps to explore testing for the presence of cocaine and to understand how medicinal cannabis affects the program.

Victoria Police has ...	Which means it ...
explored the practicalities of amending the Act to include cocaine as a prescribed illicit drug	can make informed decisions about whether to progress legislative reform that would expand the program’s testing capabilities.
contributed to a trial proposal led by the Department of Transport and Planning to examine the detectability and impairing effects of medicinal cannabis	has a better understanding of how these products may impact the program’s performance.

How Victoria Police reports on the program’s performance

Public accountability

An effective road safety strategy should include:

- a vision for what the agency wants to achieve
- how the agency will address road safety problems
- measurable targets and performance indicators.

Without transparent reporting, agencies lack incentives to evaluate and improve their processes.

Victoria Police Road Safety Strategy

Victoria Police does not have a separate strategy for the program. It uses the high-level police strategy, which covers the period from July 2021 to June 2024.

The police strategy aligns with the state strategy, but it lacks key information to help the public assess whether the program improves community safety.

The police strategy does not include ...	Which means it is hard to ...
clear, quantifiable objectives	<ul style="list-style-type: none"> • understand what Victoria Police aims to achieve • assess the program’s effectiveness and contribution to the state strategy.
detail about how Victoria Police will reduce drug driving	
targets or performance indicators	

The police strategy states that Victoria Police will develop annual action plans with clear activities and targets. However, Victoria Police states that it did not develop any action plans because the COVID-19 pandemic disrupted its operations.

As a result, Victoria Police has not supported the police strategy with clear actions or targets for its entire duration. This means it cannot assure government or the public that the program has reduced drug driving.

Victoria Police advised us that it will develop action plans for its next road safety strategy, which will cover the years 2024 to 2028.

Public performance measures

The Department of Treasury and Finance’s *Resource Management Framework* sets minimum standards for public performance reporting. It states that agencies must develop a meaningful mix of performance measures that assess efficiency and effectiveness.

However, the program only publicly reports against one performance measure through Victorian Budget Paper No. 3: Service Delivery – the number of prohibited drug screening tests conducted. This counts the number of POFTs conducted by Victoria Police each year.

Victoria Police’s target for this measure is its annual funding cap. It has consistently met its target, except in 2019–20, when the COVID-19 pandemic disrupted its operations. This shows that Victoria Police delivers what it is funded to do. However, the government and public cannot meaningfully assess the program’s impact or benchmark its performance using information from this measure alone.

Victoria Police previously reported the ...	until it discontinued the measure in ...
number of DIAs conducted	2006–07
proportion of drivers who tested negative for methylamphetamine, THC and MDMA	2022–23

Victoria Police discontinued the second measure because it reflects an enforcement decision rather than a service delivery output.

Victoria Police is considering additional performance measures. It intended to propose new measures for the 2022–23 state budget, but it did not complete this work.

Victoria Police did not provide evidence that it had progressed work to develop additional measures for the 2023–24 financial year. This is a missed opportunity to increase its knowledge of the program’s performance, as well as its transparency.

How Victoria Police works with the other Road Safety Partners

Effective collaboration

The state strategy and police strategy are clear that the partners must work together to reduce drug driving.

The companion report and the Parliament of Victoria’s 2021 *Inquiry into the increase in Victoria’s road toll* found that the partners viewed their work positively. But these reports also identified that the partners did not always:

- know what each other was working on
- share data effectively.

Governance structure

The Department of Transport and Planning is currently leading a review of the partnership’s governance arrangements, and an interim governance structure is in place. Prior to the review, the partners collaborated through the following road safety governance committees.

The...	Was/were responsible for ...
Road Safety Executive Group	setting strategic directions to reduce road trauma and reporting to government on progress.
Road Safety Leadership Group	developing and delivering the state strategy and annual action plans.
Road Safety Leadership Group’s 6 subcommittees	supporting the Road Safety Leadership Group by focusing on priority issues.

Each partner was a member of all groups, except for the Department of Health, which was not on the Law Enforcement Subcommittee. The groups met every other month, or as needed.

Victoria Police rarely missed meetings and collaborated openly with the other partners through the committees.

However, under both the old and interim governance structures, it is unclear which committee should discuss drug driving, outside of developing the state strategy and its action plans. This means the partners may miss opportunities to collaborate on their response to drug driving.

Collaborating on projects and business cases

It is important for Victoria Police to update the partners on the progress of its projects and seek their input to its business cases. Doing so ensures the partners:

- know about work that affects their own operations
- can provide their expertise and perspectives to strengthen Victoria Police's business cases and confirm they are achievable.

This is critical, as fulfilling the state strategy and action plan's goals depends on Victoria Police delivering project initiatives and securing funding to increase the program's number of tests.

The partners were not involved in the RDT 150 Project's governance.

Previously:

- as funder, the TAC was a member of the RDT Expansion #2 Project's steering committee
- the RDT Review Project used a partnership governance committee as a steering committee.

In December 2021, Victoria Police committed to updating the Road Safety Executive Group on progress of the RDT 150 Project. However, meeting minutes show that it only mentioned the project and its associated business case once in the following year and a half.

This creates a risk that the partners could not effectively contribute to project initiatives and the business case to increase their chances of success.

Drug Driving Coordination Subcommittee

In April 2022, the Road Safety Leadership Group established the Drug Driving Coordination Subcommittee. The subcommittee ran for a year and considered how the partners could improve their collaboration on reducing drug driving. Before this, the partners did not have a dedicated place to discuss, develop and assess Victoria's drug driving response.

The subcommittee's final report identified various barriers to the partners' work. For example:

- some partners did not have visibility of the others' drug driving-related activities
- data sharing is time-consuming and resource-intensive
- policies and practices are not always informed by the available evidence
- no-one has fully consolidated or evaluated Victoria's drug-driving-related activities – including penalties and behaviour interventions – to determine their effectiveness.

The final report recommended establishing various governance groups to coordinate and oversee the partnership's:

- drug driving-related activities, including initiatives that maximise general deterrence
- access to and sharing of drug-driving related datasets
- access to and sharing of current and emerging research about drug driving.

It also advised that continuing to fund VIFM's research about the prevalence of drugs in seriously injured drivers will help the partners develop and assess future drug-driving related activities.

Overall, the subcommittee's final report shows a concerted effort from the partners to reflect upon and enhance their collective response to drug driving. We encourage the partners to continue this work and implement the final report's recommendations.

Road Safety Victoria – part of the Department of Transport and Planning – has advised us that the partners intend to undertake a comprehensive evaluation of drug driving countermeasures for the state strategy's next action plan.

**Responding to
the companion
report**

The Drug Driving Coordination Subcommittee also reviewed the companion report's recommendations to prioritise items for further work. This is a positive step towards implementing a more collaborative and holistic approach to drug driving.

It classified various items as high priority, including:

- developing data-sharing agreements and sharing data analysis more widely
- identifying and investing in primary prevention and early intervention pathways
- strengthening follow-up of eReferrals and expanding opportunities for vehicle impoundment
- enhancing the Behaviour Change Program and the capacity of drug treatment services
- growing the Act's definition of a prescribed illicit drug in an evidence-based way
- increasing the number of POFTs delivered annually
- securing stable funding streams for roadside drug testing.

If implemented, these items could improve outcomes for people who use drugs and drive. In particular, increasing data sharing is critical to understanding and enhancing the program, as well as the partners' other responses to drug driving.

However, the partnership has not developed an action plan to implement most of these items. Given that the companion report is over 18-months' old, there is an opportunity for the partnership to review the currency and validity of its findings so it can progress the most impactful recommendations. We encourage the Road Safety Partners to formalise their response to the companion report to ensure ongoing accountability for its review and potential implementation.

Appendices

[Appendix A: Submissions and comments](#)

[Appendix B: Abbreviations, acronyms and glossary](#)

[Appendix C: Audit scope and method](#)

Appendix A: Submissions and comments

We have consulted with Victoria Police and we considered its views when reaching our audit conclusions. As required by the *Audit Act 1994*, we gave a draft copy of this report, or relevant extracts, to Victoria Police and asked for its submissions and comments.

Responses received

Agency	Page
Victoria Police	A-2

Response provided by the Chief Commissioner, Victoria Police



VICTORIA POLICE

Shane Patton APM
Chief Commissioner of Police

Victoria Police Centre
311 Spencer Street
Docklands Victoria
3008 Australia

Telephone +61 3 8335 6400

P.O. Box 913
Melbourne Victoria 3001 Australia

Our ref: FF-165477
Your Ref: File No. 34721 23

Mr Andrew Greaves
Victorian Auditor-General
Level 31, 35 Collins Street
Melbourne Vic 3000

Dear Mr Greaves,

Victoria Police response to the proposed Performance Audit Report *Reducing the Harm Caused by Drugs on Victorian Roads*.

Thank you for the opportunity to provide a response to your proposed report, dated 10 November 2023.

Victoria Police welcomes this review as an opportunity to further document existing operational practices and processes, as part of a commitment to continuous improvement, and in support of an effective drug driver testing program.

Victoria Police continues to successfully meet its annual targets for delivering drug testing and is committed to improving opportunities to identify and remove drug affected drivers from Victorian roads.

We have maintained a strong commitment to the drug driving testing program since its inception, consistently expanding its capacity to deliver testing and enhancing our processes based on evidence-based practices and research.

Victoria Police ensures that only qualified members, in approved work locations, deliver tests. Anomalies within the report, relating to training qualifications, represent an administrative issue in recording practices that can be addressed through enhancement of our processes.

Victoria Police's annual allocation of tests is proportionally distributed between car and bus-based delivery, informed by intelligence and aligned to evidence-based research. Adopting a mix of bus and car-based testing enables use of both general and specific deterrence. Car-based testing, delivered both in the regions and by the Road Policing Drug and Alcohol Section (RPDAS), currently accounts for 73% of testing undertaken by Victoria Police.

Response provided by the Chief Commissioner, Victoria Police – *continued*

I note your views about the opportunity to seek some further legislative reforms and for Victoria Police to have a more proactive assessment of false-negative results, which will be further explored. In relation to risks to the community and road safety issues, I would like to clarify for contextual purposes that the false-negative findings relating to 775 tests of the 300,000 conducted over the two-year data period equates to 0.25% of all tests conducted.

As acknowledged in your report Victoria Police has now cleared the identified backlog of unreviewed false-positive tests, which was delayed as a result of other priorities. I am pleased to advise that any concerns about the outcome of 363 false-positive Oral Fluid Tests (OFT), assessed as having possible issues, have not materialised and no fundamental or systemic failings with regard to policy or procedure were identified. Further, since the introduction of the refresher training course there has been an overall reduction in errors identified.

Victoria Police requires that members issue a banning notice to any driver who fails an OFT, this is supervised and managed operationally at the local level. We acknowledge that improved central monitoring could also assist with further compliance opportunities and this will be considered in any automation uplifts.

Victoria Police will continue to explore the potential for roadside automation and other technical advances to further streamline processes and improve accountability in drug driver testing. Our ability to undertake further significant reforms will be dependent on funding availability and prioritisation within the scope of all road safety initiatives.

Our road safety operations are underpinned by internally developed messaging to support members in carrying out their duties. In delivering on these recommendations, and in particular relevant road safety messaging, Victoria Police will continue to work with its partners, in recognition that drug driving cannot be addressed in isolation or through enforcement only.

Victoria Police accepts proposed recommendations one (1) – four (4) inclusive, six (6), eight (8) and ten (10), recommendations five (5), seven (7) and nine (9) are accepted in-principle as they relate to strategy under development, external constraints and financial limitations.

Please find attached a table of proposed Victoria Police actions and anticipated completion dates (Appendix A).

Victoria Police would like to thank the VAGO audit team for the professionalism displayed and collaborative approach throughout this audit.

Victoria Police remains committed to improving opportunities to identify and remove drug affected drivers from Victorian roads, as one of many initiatives within a wider program of work to create a safer road environment.

Yours sincerely



Shane Patton APM
Chief Commissioner

23/11/23

Response provided by the Chief Commissioner, Victoria Police – *continued*

Appendix – A: Victoria Police’s action plan to address the recommendations from *Reducing the Harm Caused by Drugs on Victorian Roads*

No.	VAGO recommendation	Acceptance	Agreed management actions	Target completion date
1	Develop a documented process for allocating the program’s tests that considers best practice enforcement approaches for drug driving.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/> In principle	Victoria Police will document existing processes undertaken for the allocation of the program’s testing. This will formalise processes currently undertaken and support communication of the rationale for test allocation. Modelling will continuously be reviewed and be underpinned by emerging trends and research.	March 2024
2	Develop internal performance measures and targets that support the monitoring and delivery of best practice enforcement approaches for drug driving across Road Policing Command and the regions.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/> In principle	Victoria Police will explore options for monitoring the delivery of the drug testing program, in-line with defined best practice approaches. This will include identification of review opportunities to support continuous improvement and metrics that could be used within existing governance environments.	January 2025
3	Develop an evidence-based engagement strategy to guide its communications and interactions with the public about drug driving.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/> In principle	Engagement will continue to be a key component of the new Road Policing Strategy. Opportunities will be identified in Action Plans for regions, divisions and specialist units to plan for and deliver engagement activities and communication campaigns in support of road safety initiatives, inclusive of drug driving. Consistent communication messages will be developed centrally, by internal subject matter experts underpinned by evidence-based tactics, to assist local areas with their engagement.	January 2025

Response provided by the Chief Commissioner, Victoria Police – *continued*

4	Develop processes to detect and address noncompliance with the program's rules.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/> In principle	Victoria Police will commit to developing new processes, documenting standards and enhancing existing monitoring mechanisms to leverage opportunities for oversight of compliance within everyday practices. Victoria Police will explore advances in technology which could enable better compliance monitoring.	December 2025
5	Develop a strategy that covers the program and: <ul style="list-style-type: none"> • sets a clear vision for the program's growth • sets short and long-term plans for the program's development • sets clear lines of accountability for the program's business-as-usual processes and continuous improvement • commits to periodically evaluating the program's processes and outcomes to ensure effective test delivery and expansion. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In part <input checked="" type="checkbox"/> In principle	Victoria Police will deliver a new Road Safety Strategy for release in 2024. This will confirm Victoria Police's commitment to road safety, including reducing drug driving as one area of focus. The new Strategy will confirm Victoria Police's accountabilities for delivery across all programs of work and allow for flexibility to address emerging priorities and changes to resourcing. The Strategy will be operationalised through action plans, which will support regular review processes, as well as monitoring effective contribution to road safety initiatives. This will include the drug driving testing program.	August 2024
6	Develop annual action plans to support future road policing strategies.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/> In principle	Development of annual action plans will be a requirement of the new Road Safety Strategy. Action plans will be tailored for local application within Regions and Commands dependent on specific road safety requirements and priority areas of focus, including drug driving.	December 2024

Response provided by the Chief Commissioner, Victoria Police – *continued*

7	Work with the Department of Justice and Community Safety and the Department of Treasury and Finance to develop new public performance measures that enable government and the public to assess the program's efficiency and effectiveness.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In part <input checked="" type="checkbox"/> In principle	As per annual review processes Victoria Police will continue to work with DJCS and DTF to review its public performance measures, exploring the potential to develop measures that are outcome focused which could establish the effectiveness of processes for drug driving detection. Development of any new measures would need to be considered within the wider road safety context and suite of Victoria Police and partner agencies accountabilities.	December 2024
8	Deliver its implementation plan to address the recommendations from the Drug Impairment Assessment Review.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/> In principle	Victoria Police has commenced work to deliver recommendations from the Drug Impairment Assessment Review through an established program of work.	June 2027
9	Continue its work to automate the program's roadside data collection processes.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In part <input checked="" type="checkbox"/> In principle	Victoria Police is committed to continuing its exploration of roadside automation as an opportunity to further streamline drug driving detection processes. Victoria Police's ability to undertake this work is subject to funding availability.	December 2025
10	Continue its work with the other Road Safety Partners to progress a holistic, collaborative and evidence-based approach to reducing the harm caused by drug driving.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/> In principle	Victoria Police is committed to continue working closely with its partners on all road safety initiatives. This includes maintaining participation in state and national level forums. Reducing harm on Victorian roads is a joint responsibility, requiring genuine cooperation and commitment from a range of road safety partners.	August 2024

Appendix B: Abbreviations, acronyms and glossary

Abbreviations We use the following abbreviations in this report:

Abbreviation

companion report	Roadside Drug Testing Review Companion Report
eReferral	electronic referral
police strategy	<i>Victoria Police Road Safety Strategy, July 2021 to June 2024</i>
state strategy	<i>Victorian Road Safety Strategy 2021–2030</i>
the Act	<i>Road Safety Act 1986</i>
the partners	Road Safety Partners
the program	Victoria Police’s roadside drug testing program

Acronyms We use the following acronyms and initialisms in this report:

Acronym

ANPR	automatic number-plate reader
DIA	drug impairment assessment
MDMA	methylenedioxymethamphetamine, also known as ecstasy.
MUARC	Monash University Accident Research Centre
OFT	oral fluid test
POFT	preliminary oral fluid test
RDT	roadside drug testing
RPDAS	Road Policing Drug and Alcohol Section
T&C	tasking and coordination
TAC	Transport Accident Commission
THC	delta-9-tetrahydrocannabinol, the psychoactive component of cannabis
VIFM	Victorian Institute of Forensic Medicine

Glossary

This glossary includes an explanation of the types of engagements we perform:

Term

Reasonable assurance We achieve reasonable assurance by obtaining and verifying direct evidence from a variety of internal and external sources about an agency's performance. This enables us to express an opinion or draw a conclusion against an audit objective with a high level of assurance. We call these audit engagements.

See our [assurance services fact sheet](#) for more information.

Limited assurance We obtain less assurance when we rely primarily on an agency's representations and other evidence generated by that agency. However, we aim to have enough confidence in our conclusion for it to be meaningful. We call these types of engagements assurance reviews and typically express our opinions in negative terms. For example, that nothing has come to our attention to indicate there is a problem.

See our [assurance services fact sheet](#) for more information.

Appendix C:

Audit scope and method

Scope of this audit

Who we examined

We examined Victoria Police.

Our audit objective

To determine if Victoria Police's roadside drug testing program operates effectively and achieves intended outcomes.

What we examined

We examined how Victoria Police:

- allocates and manages its resources to detect and deter drug driving
 - oversees and improves the program to ensure it achieves its intended outcomes.
-

Conducting this audit

Assessing performance

To form our conclusion against the objective, we used the used the following lines of inquiry and associated evaluation criteria:

Line of inquiry

Criteria

1. Does Victoria Police's program use intelligence-led and evidence-based methods to enforce the drug driving provisions of the *Road Safety Act 1986*?

1.1 Victoria Police uses evidence and intelligence from relevant, reliable, and up-to-date sources to inform its overarching enforcement strategy, including its broad approach to deterring drug drivers, detecting drug presence, identifying drug impairment, and interacting with alleged offenders.

1.2 Victoria Police's processes for planning and distributing resources, such as authorised officers and tests, across the state:

- rely on evidence and intelligence from relevant, reliable, and up-to-date sources
- have effective controls – including policies, procedures, and review mechanisms – to ensure consistent implementation by staff.

1.3 Victoria Police's processes for managing and using resources to test drivers and enforce legislation:

- rely on evidence and intelligence from relevant, reliable, and up to date sources
- have effective controls – including policies, procedures, data collection and validation tools, training programs, and review mechanisms – to ensure consistent implementation by staff.

Line of inquiry	Criteria
2. Does Victoria Police oversee and enhance the program to ensure it achieves intended outcomes and continuously improves?	2.1 Victoria Police's program has specific, quantifiable, achievable, relevant, and timebound objectives, targets, and performance measures that align with relevant government strategies and guidance, as well as a benefits realisation plan.
	2.2 Victoria Police: <ul style="list-style-type: none"> periodically evaluates the program to (a) ensure it operates efficiently and effectively and (b) sustain and improve its capacity regularly monitors and reports its performance to effectively identify, analyse, and respond to risks.
3. Does Victoria Police's program engage the community and the Road Safety Partners to positively influence driver behaviour?	3.1 Victoria Police interacts with the public to raise awareness of the dangers associated with drug driving.
	3.2 Victoria Police collaborates with the Road Safety Partners in a transparent manner to ensure the program achieves its intended outcomes.

Our methods

As part of the audit we:

- reviewed and analysed documentation, including data from Victoria Police
- interviewed key officers and staff
- observed Victoria Police roadside drug testing operations and visited RPDAS.

We also consulted with the other partners about relevant sections of the report.

Compliance

We conducted our audit in accordance with the *Audit Act 1994* and ASAE 3500 Performance Engagements to obtain reasonable assurance to provide a basis for our conclusion.

We also provided copies of the report to the Department of Premier and Cabinet and Department of Treasury and Finance.

We complied with the independence and other relevant ethical requirements related to assurance engagements.

Cost and time

The full cost of the audit/review and preparation of this report was \$835,000.

The duration of the audit/review was 15 months from initiation to tabling.

Auditor-General's reports tabled during 2023–24

Report title	Tabled
<i>Cybersecurity: Cloud Computing Products (2023–24: 1)</i>	August 2023
<i>Responses to Performance Engagement Recommendations: Annual Status Update 2023 (2023–24: 2)</i>	August 2023
<i>Eloque: the Joint Venture Between DoT and Xerox (2023–24: 3)</i>	October 2023
<i>Domestic Building Oversight Part 1: Regulation (2023–24: 4)</i>	November 2023
<i>Employee Health and Wellbeing in Victorian Public Hospitals (2023–24: 5)</i>	November 2023
<i>Reducing the Illegal Disposal of Asbestos (2023–24: 6)</i>	November 2023
<i>Auditor-General's Report on the Annual Financial Report of the State of Victoria: 2022–23 (2023–24: 7)</i>	November 2023
<i>Contractors and Consultants in the Victorian Public Service: Spending (2023–24: 8)</i>	November 2023
<i>Major Projects Performance Reporting 2023 (2023–24: 9)</i>	November 2023
<i>Fair Presentation of Service Delivery Performance 2023 (2023–24: 10)</i>	November 2023
<i>Reducing the Harm Caused by Drugs on Victorian Roads (2023–24: 11)</i>	December 2023

All reports are available for download in PDF and HTML format on our website at <https://www.audit.vic.gov.au>

Our role and contact details

The Auditor-General's role

For information about the Auditor-General's role and VAGO's work, please see our online fact sheet [About VAGO](#).

Our assurance services

Our online fact sheet '[Our assurance services](#)' details the nature and levels of assurance that we provide to Parliament and public sector agencies through our work program.

Contact details

Victorian Auditor-General's Office
Level 31, 35 Collins Street
Melbourne Vic 3000
AUSTRALIA
Phone +61 3 8601 7000
Email enquiries@audit.vic.gov.au