

Submission to: Rural and Regional Affairs and Transport References Committee

Title: Aspects of road safety in Australia

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1. About the Australian Trucking Association

The Australian Trucking Association (ATA) is the peak body that represents the trucking industry. Its members include state and sector-based trucking associations, some of the nation's largest transport companies and businesses with leading expertise in truck technology.

2. Summary of recommendations

Recommendation 1

The national heavy vehicle law should conform where appropriate with accepted best practice in safety regulation.

Recommendation 2

ATA reform proposals to restructure the Heavy Vehicle National Law should be adopted.

Recommendation 3

ATA recommendations made in relation to the *Motor Vehicle Standards Act 1989* review should be adopted.

Recommendation 4

Cost/benefit analyses should be considered for use where appropriate in the vehicle standards policy process.

Recommendation 5

The Performance Based Standards scheme should be overhauled to remove red tape and improve its outcomes.

Recommendation 6

Guidance material should be published under the Heavy Vehicle National Law to help operators keep vehicles safe and legally compliant.

Recommendation 7

Training and education should be provided to light vehicle drivers on sharing the road safely with trucks.

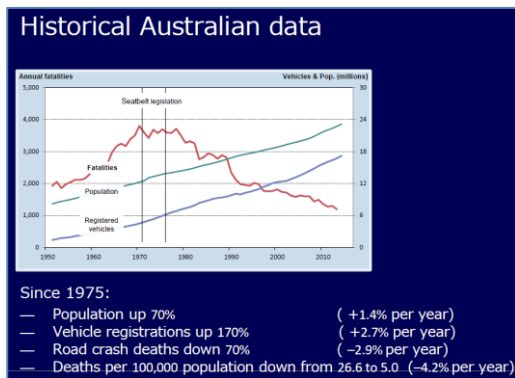
3. Introduction

The ATA believes that Australia must have at all times, safe drivers operating safe vehicles at safe speeds on safe roads. These aspects also help form the safe system vision and an action agenda under the *National Road Safety Strategy*, which the ATA supports.

For trucking operators however, *safety* is not a strategy, it is an operational outcome arising from daily vigilance. In this context, the ATA works closely with transport regulators to help ensure that policy and legislative development takes into account the safety environment and economic realities of the trucking industry.

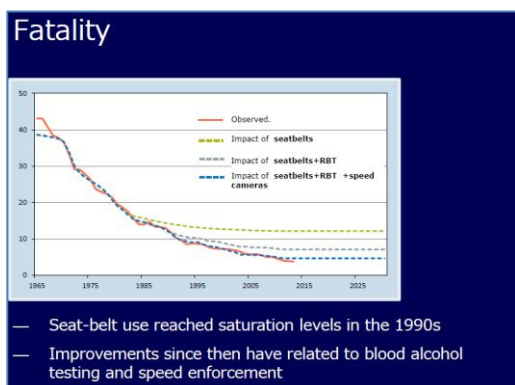
4. Aspects of road safety

A. Social and economic cost of road-related injury and death



Vehicle crashes, along with the associated trauma and property damage, are tragic as well as economically ruinous events for those involved. Safety-related transport policies such as the introduction of seatbelts in the seventies, blood alcohol testing in the eighties and speed cameras in the nineties have undoubtedly saved many lives and delivered substantial economic gains.

According to national statistics¹ Australia's population has increased 70 per cent since 1975 and yet fatal crashes are also down 70 per cent overall.



According to Australia's principal transport statistics agency, the Bureau of Infrastructure, Transport and Regional Economics² (BITRE), between 2004 and 2013, the number of fatal crashes involving an articulated truck decreased 36.2 per cent and fatal crashes involving a rigid truck decreased 26.1 per cent. During the same period, the number of articulated trucks registered increased by 37 per cent and the number of registered heavy rigid trucks increased by 19 per cent.

Australia's major heavy vehicle insurer, National Transport Insurance (NTI), conducts biennial analyses of heavy truck

crash causation. In its 2013 analysis of 2011 data, NTI found that for their insured vehicles that were involved in multi-vehicle fatal crashes, the third party driver was at fault every time. In a similar analysis of 2009 NTI data, the third party was found to be at fault 82 per cent of the time.³

The Heavy Vehicle National Law (HVNL) was introduced in February 2014 with a goal of achieving safe and productive on-road use of heavy vehicles. Although the HVNL should be helping to reduce the incidence of truck crashes and breakdowns there is no room for policy complacency because various aspects of road safety, including roadworthiness and the chain of responsibility concept, are poorly served under the current legal framework.

To help address the complex regulatory burden currently posed by the HVNL, the ATA recently recommended a major restructure⁴ of the law itself and also that the legal chain of responsibility (COR) concept be extended to vehicle standards and external maintenance providers⁵. Recently published coronial findings into fatal crashes on the South-Eastern Freeway in Adelaide show the importance of these proposals.⁶

The lack of clarity and sensible organisation of chapters and provisions in the current national law makes it difficult and uneconomic for trucking businesses, managers and employees in general to understand and comply with their legal obligations. The ATA believes the HVNL should be simplified and supported by a

¹ Dolman, G. BITRE, *Road Safety Workshop*, 22 September 2014. Available at: <http://www.infrastructure.gov.au/roads/safety/nrsf/2014/files/Session_1_Gary_Dolman.pdf> Viewed 27 February 2015.

² BITRE, *Impact of road trauma and measures to improve outcomes*, Report 140, December 2014, p17.

³ NTI, *Major Accident Reports (2013, 2011)*. Available at: <http://www.nti.com.au/supporting/accident-research.php>. Viewed on 27 February 2015.

⁴ See ATA, *Chain of responsibility duties review* (submission to the NTC), 30 January 2015. Available at www.truck.net.au.

⁵ See ATA, *Heavy vehicle roadworthiness review – phase 2 integrity review* (submission to the NTC and NHVR), September 2014, p8. Available at www.truck.net.au.

⁶ *Finding of inquest-John Posnakidis* (12 January 2015); *Finding of inquest-James William Venning* (12 January 2015). Available at <www.courts.sa.gov.au/CoronersFindings/Pages/default.aspx>. Viewed 20 February 2015.

clear structure that is in line with relevant aspects of modern work health and safety requirements and by easily understood guidance materials. This would be a major step forward in achieving optimum safety and productivity outcomes from the legislative framework.

Recommendation 1

The national heavy vehicle law should conform where appropriate with accepted best practice in safety regulation.

Recommendation 2

ATA reform proposals to restructure the Heavy Vehicle National Law should be adopted.

B. the importance of design standards on imported vehicles, as vehicle manufacturing winds down

At the outset it should be noted that *heavy vehicle manufacturing* (i.e. vehicles with three or more axles) is not winding down in Australia. A number of heavy vehicle manufacturers currently possess a strong domestic production base and have not given any indication to the industry at large that they will be changing their Australian business model.

The ATA suggests that in general, existing vehicle standards have not discouraged new or second-hand heavy vehicles from entering the Australian market, in comparison for example with Australia’s overall market competitiveness⁷ or with the uniqueness of its operational requirements. The ATA has previously recommended that these standards be retained, and where possible enhanced to encourage innovative overseas product whilst maintaining the safety, emissions and noise performance of existing units.

An exception in vehicle standards is Australia’s prescriptive 2.5 m vehicle width. This conflicts with a standard of 2.55 m in the European market and 2.591 m (102”) for the US product. Elements of a vehicle affected by width include vehicle entry/exit points, axles/tyre combinations, grab handles and various pieces of safety equipment (e.g. side-mounted cameras). Future developments (e.g. exhaust module packaging) in vehicles may be compromised by the restrictive width requirement.

In the ATA’s submission⁸ to the review of the *Motor Vehicle Standards Act 1989* (MVSA 1989), the ATA recommended Australia retain its existing ADR system for heavy vehicles. Other recommendations included that government should retain and/or strengthen the risk-based approach to the standards reflected in the MVSA 1989 and that Australia should retain a single regulatory facilitator to ensure current standards encourage broader acceptance of international standards and to achieve greater transparency of process. In addition to the process of harmonising with UN regulations, Australia should also remain open to adoption of other appropriate vehicle standards wherever these emerge around the world.

It is important that proposed changes to the MVSA and/or the ADR do not seek to constrain in-service modifications and that modifications warranting ongoing compliance assurance are undertaken by an approved engineering signatory. Absent any compelling and immediate safety concern, changes to the current regulatory framework for vehicle standards should permit agreed grace periods for industry adoption, for both new models and existing models, from the date any new amendments enter into force.

Recommendation 3

ATA recommendations made in relation to the *Motor Vehicle Standards Act 1989* review should be adopted.

C. the impact of new technologies and advancements in understanding of vehicle design and road safety

Heavy vehicles encounter unique and harsh operating conditions in Australia. This environment stimulates the development of innovative trailer designs and highly productive combinations such as B-doubles, B-triples and road trains. Operating practices in Australia also differ in important respects with trucking operations overseas.

⁷ Excluding New Zealand, Australia is home to more heavy vehicle manufacturers than Japan, Europe or even the USA.

⁸ See ATA, *2014 Review of the Motor Vehicle Standards Act 1989 Options Discussion Paper* (submission to the NTC), October 2014. Available at www.truck.net.au.

The industry believes that enhanced braking systems should be mandated in new heavy vehicles as soon as possible, with appropriate exemptions for vehicles used in harsh conditions. However, although new technologies generally offer safety benefits, some Australian heavy combinations are either not found or are very uncommon overseas. As a result, truck technologies developed for European and North American conditions are not always sufficiently mature for local applications. For example, the ATA has been advised by some operators that while the new braking technology appears to work very well, some of the equipment that delivers this technology fails too easily under more punishing off-road applications.

Managers of vehicle design standards and separately, manufacturers of equipment, are sometimes unaware of what commonly occurs when a heavy vehicle is in service. Policymakers may also seek to adopt impressive yet immature technologies which can lead to significant financial and operational angst for industry. On the other hand, there should be no policy reluctance to adopt local standards with potential to improve vehicle design and road safety simply because they do not fit an international standard. Cost benefit analyses are vital to the vehicle standards process and should be appropriately considered by policy makers when contemplating any significant new technologies.

Many operators have voiced frustration with the Performance Based Standards (PBS) scheme that was introduced by governments to enable access to the road for more innovative yet equally safe higher productivity vehicles. Industry criticism includes that scheme rules are burdensome in terms of red tape, and that the process of gaining road access approval for vehicles built to an approved PBS design is excruciatingly slow and frustrating for operators. Feedback from the industry is also very clear that many local councils need to review the efficiency of their road access approval processes and the associated administrative interactions with the national heavy vehicle regulator which oversees the management of the PBS.

Recommendation 4

Cost/benefit analyses should be considered for use where appropriate in the vehicle standards policy process.

Recommendation 5

The Performance Based Standards scheme should be overhauled to remove red tape and improve its outcomes.

D. the different considerations affecting road safety in urban, regional and rural areas

Because Australia is an enormous continent, lengthy and inconvenient distances between freight origin and destination; between truck driver and workshop; between OEM and operator; and between home base and government facility are simple facts of life for many trucking businesses.

At the same time, it is of paramount importance to road safety that vehicle defects and maintenance tasks are quickly attended to, and well before minor issues become bigger problems. Depending on their nature, minor vehicle defects left unresolved can escalate into major defects, or act in tandem with other issues to increase the severity of a crash.

In the heavy vehicle industry, there is a need for better guidance for operators on how to comply with the HVNL such as, but not only, an authorised national heavy vehicle inspection manual. The production of guidance material cannot of itself reduce the complexity in the current law or address its inconsistencies. In fact, the ATA's experience is that complex, inconsistent legislation like the HVNL leads to even more complex and inconsistent guidance.

Fact sheets for example, cannot alone replace the special legal significance of formally registered codes of practice. Yet, as the ATA has previously argued, some regulators have successfully issued such guidance material⁹ for years and have understood that such support for industry is highly important to achieve better safety outcomes.

⁹ For example, Safe Work Australia has successfully released 23 model codes of practice that jurisdictions may adopt.
ATA submission: Aspects of Road Safety

Recommendation 6

Guidance material should be published under the Heavy Vehicle National Law to help operators keep vehicles safe and legally compliant.

E. Other factors

Heavy vehicle crashes can be the result of many risk factors, some of which (such as the behaviour of other road users) are beyond the control of heavy vehicle drivers or their operators.¹⁰

Any consideration of heavy vehicles and road safety must take into account the behaviour of other drivers and the condition and volume of other vehicles on the road. Although Australian road safety outcomes may have vastly improved in comparison with the past, there is once again no room for complacency.

Driver distraction, for example, is a widespread problem and commonly caused by the illegal use of mobile phones. For example, the Victorian Transport Accident Commission states on its website that 'using a mobile phone when driving, is the third most common on-the-spot driving offence after speeding and not wearing seat belts'¹¹. The behaviour of distracted drivers is unpredictable and can seriously compromise the safety of professional heavy vehicle drivers and others sharing the road with them.

Another road safety aspect is the all too common sight of much needed truck rest areas occupied by holidaymakers. All truck drivers wherever they may be in Australia need time to rest and to comply with their specific legal obligations to manage their fatigue. Rest areas should be well designed and sign-posted to help prevent other drivers entering and parking in them.

Heavy vehicle drivers are professionally trained. The ATA recommends training and education for light vehicle drivers that focuses their awareness on how to share the road safely with trucks.

Recommendation 7

Training and education should be provided to light vehicle drivers on sharing the road safely with trucks.

¹⁰ National Transport Commission. Heavy Vehicle Roadworthiness Program Consultation Regulatory Impact Statement, page v. January 2015. Available at <http://ntc.gov.au/heavy-vehicles/safety/heavy-vehicle-roadworthiness-program/>. Viewed on 27 February, 2015.

¹¹ Victorian Transport Accident Commission road safety campaign, "Blind". Available at <http://www.tac.vic.gov.au/road-safety/tac-campaigns/distractions>. Viewed on 20 February, 2015.