



Submission to the Joint Standing Committee on Road Safety,
NSW Parliament

Inquiry into reducing trauma on local roads in NSW

3 February 2020

INTRODUCTION

1. The National Road Transport Association (NatRoad) is pleased to provide a submission to the NSW Joint Standing Committee on Road Safety (StaySafe) relating to its inquiry into road trauma in NSW. StaySafe launched the inquiry at the end of November 2019.¹
2. The terms of reference for the inquiry are as follows:
The Committee will inquire into and report on reducing trauma on local roads in NSW with specific reference to:
 - *The role of local roads in road safety and trauma*
 - *The effectiveness of existing road safety planning requirements, including in other jurisdictions*
 - *Opportunities for improving road safety planning and management on local roads, including through the Local Government Road Safety Program and Community Strategic Planning*
 - *The role of local communities and their representatives in identifying and delivering road safety initiatives to reduce trauma on local roads*
 - *Other relevant matters*²
3. Since the announcement of the inquiry the current bush fire crisis has hit and hit hard. This has meant that the chance to rebuild infrastructure following the abatement of the fires can be informed by policies that will assist productivity and safety for regional and rural areas.
4. NatRoad is Australia's largest national representative road freight transport operators' association. NatRoad represents road freight operators, from subcontractors to large fleet operators, general freight, road trains, livestock, tippers, express, car carriers, as well as tankers and refrigerated freight operators. NatRoad's principal policy focus is on the regulation of heavy vehicles that is vehicles over 4.5 tonnes. We have a large number of members located in NSW.
5. NatRoad has a strong commitment to improving road safety. Even one death on the road is too many.
6. Statistics for heavy vehicle fatalities are only available for the period to end September 2019.³ According to that data, during the 12 months to the end of September 2019, 182 people died from 165 fatal crashes involving heavy trucks. These included 99 deaths from 91 crashes involving articulated trucks, 88 deaths from 79 crashes involving heavy rigid trucks and 5 deaths from 5 crashes involving both a heavy rigid truck and an articulated truck. In NSW for the year to September 2019, there were 26 deaths from crashes involving articulated trucks and 34 deaths from crashes involving heavy rigid trucks.⁴

HEAVY VEHICLE SAFETY IS IMPROVING

7. The Productivity Commission (PC) is currently undertaking a review of national transport regulatory reform that includes an examination of heavy vehicle safety.⁵ It released a Draft Report on 12 November 2019. It is seeking submissions on that Draft Report by 15 January 2020.

¹ <https://www.parliament.nsw.gov.au/ladocs/other/12837/Media%20release%20-%20Inquiry%20-%20Reducing%20trauma%20on%20local%20roads%20in%20NSW.pdf>

² <https://www.parliament.nsw.gov.au/ladocs/inquiries/2575/Terms%20of%20Reference%20-%20Reducing%20trauma%20on%20local%20roads%20in%20NSW.pdf>

³ https://www.bitre.gov.au/publications/ongoing/fatal_heavy_vehicle_crashes_quarterly

⁴ Id at Tables 4 and 8

⁵ <https://www.pc.gov.au/inquiries/current/transport#draft>

8. The Draft Report contains an assessment of heavy vehicle safety trends which shows that they are encouraging. Whilst the trends are encouraging NatRoad does not believe there is any room for complacency in the task of improving road safety.
9. The PC made a draft finding as follows:

*There have been significant improvements in heavy vehicle safety over the past decade, with the number of heavy vehicle crashes involving injury or death per kilometre travelled decreasing by about 40 per cent between 2008 and 2018. The fall in crash rates is consistent with longer term trends and is likely to be due to factors affecting all vehicle types such as improvements in road infrastructure and safer vehicle design.*⁶
10. The PC has also considered an issue which NatRoad emphasises in discussions about reducing road fatalities. Where heavy vehicles are involved in fatal road incidents, evidence suggests that other road users are, in the main, legally at fault.
11. In this context, the PC has made the following draft finding:

*Most multi vehicle fatal crashes involving a heavy vehicle are not the fault of the heavy vehicle driver — in 2017, the driver of the other vehicle was at fault 83 per cent of the time. For serious, non-fatal, multi vehicle crashes involving a heavy vehicle, the heavy vehicle driver was at fault 65 per cent of the time (2017).*⁷
12. The same research relied on by the PC shows that in a decade the 83% figure cited had never been outside of the band between 80 and 100 per cent.⁸

LOCAL ROAD ISSUES

13. Transport for NSW indicates the following method of distinguishing local roads from other road types:

*To manage the extensive network of roads for which council is responsible under the Roads Act 1993, RMS in partnership with local government established an administrative framework of State, Regional, and Local Road categories. State Roads are managed and financed by RMS and Regional and Local Roads are managed and financed by councils.*⁹
14. In other words, the *Roads Act, 1993* establishes the classification categories of Freeways, Controlled Access Roads, Tollways, State Highways, Main Roads, Secondary Roads, Tourist Roads, Transitways and State Works as legally separate types of road. But that statute does not specify funding or management arrangements. So, all roads are given another classification of State, Regional or Local Roads for funding and management purposes. It is therefore confusing but legally accurate to refer to local roads as “unclassified” roads.
15. In January 2019 the NRMA published a very useful publication given StaySafe’s terms of reference. Entitled *Funding Local Roads*¹⁰ it indicates the following regarding crashes on local roads:

⁶ Draft Report above note 3, Draft Finding 5.1 at page 137

⁷ Id at page 140

⁸ https://www.fullyloaded.com.au/industry-news/1904/ntc-2019-nti-releases-ntarc-major-crash-report?utm_source=Sailthru&utm_medium=email&utm_campaign=ATN%20eDM%2004%2004%202019&utm_term=list_fullyloaded_newsletter

⁹ <https://www.rms.nsw.gov.au/business-industry/partners-suppliers/lgr/documents/classified-roads-schedule.pdf>

¹⁰ <https://www.mynrma.com.au/-/media/documents/advocacy/funding-local-roads.pdf?la=en&hash=16AFA58605854AB57AB944E6F565DAB215304D76>

Regional and Local roads continue to record higher fatalities and injuries in comparison to State roads. Over the period 2013-17, the Regional and Local roads network accounted for 68.9% of all fatalities and 77.6% of all injuries, costing the NSW economy \$3.9 billion. Our regional communities shoulder a majority of this impost at \$2.6 billion. This overrepresentation of crashes on Regional and Local roads requires immediate attention.¹¹

16. NatRoad agrees with that assessment, a matter reinforced by the current bush fire conditions where inadequacies of local and regional road infrastructure have been underlined.

APPROPRIATE INFRASTRUCTURE

17. Appropriate road infrastructure, including suitable rest areas for heavy vehicles¹², is a critical component of enhancing heavy vehicle safety outcomes, particularly in rural and regional areas. Better infrastructure creation and maintenance is a major part of heavy vehicle safety improvement. It is vital that all roads, including local roads, are upgraded for the expected increase in the freight task over the next decade.¹³
18. All road designs, building and other infrastructure upgrades should be required to take into account heavy vehicle considerations such as access and swept paths for large combinations. The revitalisation of towns and isolated communities following the bushfires should also take into account the strategic importance of roads and their vulnerability to natural disasters as well as to the criticality to those communities' services.
19. That is certainly an area where reform is required, especially in the development of appropriate regional infrastructure; smarter investment requires better access planning¹⁴ and better planning for road safety outcomes.
20. The construction of heavy vehicle rest areas must form part of the road infrastructure planning. Suitable rest areas for heavy vehicles requires strategies to be developed for all road types that comprise freight routes.¹⁵
21. These strategies must recognise the Austroads guidelines¹⁶ that specify the following requirements: class 1 and 2 rest areas should be 70-100 kilometres apart; class 3 and 4 rest areas should be 35-50 kilometres apart, and class 5 rest areas should be 15-25 kilometres apart. These distances are not arbitrary but are set to better facilitate fatigue management. A significant element of fatigue management that is far from adequate in the Australian road network is the proper provision of heavy vehicle rest areas which incorporate usable toilets, shelter and

¹¹ Id at p 4

¹² Rest areas should be constructed and maintained in accordance with these guidelines:

<https://austroads.com.au/latest-news/new-guidelines-for-the-provision-of-heavy-vehicle-rest-areas>

¹³ Freight growth follows Gross Domestic Product (GDP) growth, and given Australia's strong economic performance, freight is expected to grow by 26%, to around 915 billion tonne-kilometres, by 2026 as expressed here

<http://www.truck.net.au/sites/default/files/submissions/DAE%20Economic%20benefits%20of%20improved%20regulation%20in%20the%20Australian%20trucking%20industry%20March%202019%20Final.pdf>

¹⁴ Discussed at length in NatRoad's submission to the current National Transport Review of the HVNL https://www.ntc.gov.au/submission_data/464

¹⁵ This point is made in the Austroad guidelines mentioned at note 12 above.

¹⁶ Ibid

drinking water.¹⁷ The distances just set out contrast with the 100 km distance used in a principal strategic document for key rural rest areas in NSW.¹⁸

22. In addition, linkages with Infrastructure Australia priority plans, such as the most recent plan issued in February 2019¹⁹, would also assist to better clarify how the government vision for freight meshes with identified infrastructure needs inclusive of proposed costs of the relevant infrastructure, with a priority being applied to projects that improve heavy vehicle safety.
23. By way of example, Infrastructure Australia identifies that regional road network safety improvements must occur.²⁰ High-risk sections of regional roads must be upgraded. The delivery of safer road infrastructure is a critical priority having regard to the following finding by Infrastructure Australia which resonates with the earlier statements by the NRMA:

*The varied quality of Australia's regional road network is resulting in a high number of crashes and fatalities. Between 2008 and 2016, 55% of road fatalities in Australia occurred in regional areas. Relative to population size, the number of fatalities in regional areas was over four times greater than for major cities over the same period.*²¹
24. NatRoad submits that StaySafe should recommend that the priorities identified by Infrastructure Australia that would enhance both safety and the efficiency of the freight task in regional Australia should be analysed, and appropriate funding allocated to their achievement in respect of rural NSW. This assessment should occur against the emerging pledges of substantial funding for bushfire reconstruction.²²

STRENGTHENING THE ROLE OF LOCAL GOVERNMENT

25. The PC in the current inquiry mentioned earlier in this submission, finds that many local governments lack sufficient resources to undertake heavy vehicle access work efficiently with the relevant draft finding saying:

DRAFT FINDING 10.1

*Some local governments are struggling to deliver timely heavy vehicle access assessments. While resourcing is important, more resources alone will not guarantee greater efficiency. Other factors including access to data and appropriate technical skills, and economies of scale in permit applications also contribute to greater efficiency.*²³
26. The draft recommendation that reflects this finding is made subject to the pursuit of the changes being made in the context of the broader Heavy Vehicle Road Reform process currently underway federally.²⁴ The Draft Recommendation is as follows:

¹⁷ Themes explored in this article which cites the NatRoad position

<https://coastaltransport.com.au/uncategorized/heavy-vehicle-rest-areas-and-their-important-role-in-fatigue-management/>

¹⁸ <https://www.rms.nsw.gov.au/documents/roads/using-roads/heavy-vehicle-rest-areas-rural-freight-routes-nsw.pdf>

¹⁹ <https://www.infrastructureaustralia.gov.au/publications/infrastructure-priority-list-2019-project-and-initiative-summaries>

²⁰ Id at p44

²¹ Ibid

²² For example, see A Smith and S Rawsthorne *The Sydney Morning Herald On line* 10 January 2020 **Berejiklian government to spend \$1b rebuilding fire-ravaged NSW**

²³ Above note 3 at page 334

²⁴ <http://www.dotars.gov.au/roads/heavy/files/public-paper-on-HVRR-end-states.pdf>

DRAFT RECOMMENDATION 10.1

The Council of Australian Governments should provide support to ensure local government has the financial and technical capacity to deliver its role as asset manager for local roads. Transparency and accountability of performance should accompany any additional support, particularly with respect to processing times for access permits and the use of notices to gazette heavy vehicle routes.

This should be pursued in the context of broader changes under the Heavy Vehicle Road Reform agenda.²⁵

27. The PC notes that “a better understanding of road assets and traffic flows could help local governments to increase their use of as-of-right, gazetted or pre-approved heavy vehicle access, thus improving the productivity of the industry as well as asset managers.”²⁶ This better understanding would axiomatically also assist road safety.
28. In this context we note the finding of the Australian Local Government Association National State of the Assets Report 2018²⁷ as follows:

Asset and risk management plans are an essential and mandatory planning document for each council to report infrastructure funding needed for the next 10 years to achieve productivity and risk targets. Unlike New Zealand, Australia currently has no consistent requirement for asset management plans. In addition, there is no link between asset management plans and funding, which makes a coordinated and effective approach to national infrastructure planning and funding reactive where people live locally.²⁸
29. The same report found that fewer than 80% of local governments have a long-term financial plan in place suggesting 1 in 5 councils are struggling to demonstrate how they can effectively generate sufficient revenue to deliver assets and services now and into the future.²⁹ NatRoad would suggest that any funding provided in accordance with the above recommendation or advanced by the federal or NSW Government (perhaps as an outcome of the bushfire crisis) should be contingent on the local government entity having in place an appropriate asset register and a financial plan that encompasses planning to meet their heavy vehicle access responsibilities. Initial funding to this end would assist councils to better plan heavy vehicle access and safety requirements, inclusive of identifying required maintenance and upgrades to roads in the context of how this has been highlighted in the current bush fire crisis and how this planning should be reframed for the future.
30. The current bush fire crisis has reinforced the need for these tasks to be undertaken by local government, especially once the current effect of the fires has ameliorated. There is no doubt that the current bushfire crisis will add to the already developing road funding backlog at the council level. Funding to assist this process should be a federal and State Government priority, even at the expense, federally, of a Budget surplus. We note the recent announcement that Councils impacted by the bushfires will share \$60 million for the repair of damaged infrastructure in the first allocation of funding from the federal government's \$2 billion recovery fund.³⁰
31. As noted in the NRMA research referred to earlier:

²⁵ Above note 3 at p 337

²⁶ Above note 3 at p 338

²⁷ <https://cdn.alga.asn.au/wp-content/uploads/2018-National-State-of-the-Assests-1.pdf>

²⁸ Id at p 1

²⁹ Id at p 56

³⁰ A Tillet *Councils' \$60 million to Kickstart Recovery* AFR 10 January 2020 p 6

For many councils, diminishing financial capacity to maintain the Local roads network to a satisfactory standard has resulted in their service provision being compromised. A deteriorating road network lends itself to greater travel times, increased accident probability and reduced productivity.³¹

32. Ironically, the bush fire crisis provides the ideal opportunity to make up this deficit. We can therefore plan to make local roads safer and better suited to servicing regional and rural communities.

³¹ Above note 10 at page 2