



NATIONAL ROAD TRANSPORT ASSOCIATION

**Submission to the Inquiry into progress under the National
Road Safety Strategy 2011-2020**

16 February 2018

Introduction

1. The National Road Transport Association (NatRoad) is pleased to make a submission to the Inquiry into progress under the National Road Safety Strategy 2011-2020.
2. NatRoad is Australia's largest national representative road freight transport operators' association. NatRoad represents road freight operators, from owner-drivers to large fleet operators, general freight, road trains, livestock, tippers, express car carriers, as well as tankers and refrigerated freight operators.
3. NatRoad has a deep commitment to improving road safety. Reducing heavy vehicle fatalities and serious injuries is one of NatRoad's core objectives.
4. We acknowledge the considerable amount of activity underway in jurisdictions under the current National Road Safety Strategy 2011-2020¹ and welcome the Federal Government's \$75 billion infrastructure investment announced in the 2017 Federal Budget.
5. We support the continued focus on the four cornerstone areas of the National Road Safety Strategy: safe vehicles, safe roads, safe speeds and safe people. Our submission is focussed on the role of heavy vehicles in road safety. A summary of our recommendations is provided at the end of this submission.

Fatality and injury data

6. Statistics from the National Crash Database show that by the end of 2016 only 9.1% of the 30% target to reduce deaths has been achieved 6 years into the National Road Safety Strategy timeframe.
7. Of particular concern are fatality rates in regional and remote areas, and for older drivers and motorcyclists. Crashes involving a heavy vehicle have reduced by 17.2%.
8. Safe Work Australia collects data nationally on work-related deaths and injuries. In the 14 years from 2003 to 2016, two thirds of worker fatalities involved vehicles. In 2016, of the 76 workers who died in a vehicle collision, over half (59 per cent) involved single vehicle incidents and just under half of these involved heavy vehicles (20 fatalities).²
9. These statistics indicate that more support is required for businesses to recognise that road safety must be managed in the same way as other workplace safety risks. The National Road Safety Partnership Program and the Austroads Vehicles as a Workplace Project are ways of sharing practical guidance on this issue, but need to be promoted widely.
10. Due to a high fatality rate, road freight transport was identified as a national priority industry under *The Australian Work Health and Safety Strategy 2012–2022*. Although the incidence rate of serious injuries and fatalities in road freight transport has reduced by around one third since the base period³, this industry continues to experience some of the highest fatality rates across all industries.⁴
11. Data from the Bureau of Infrastructure, Transport and Regional Economics (BITRE) shows that during the 12 months to the end of September 2017, 216 people died from 197 fatal

¹ National Road Safety Strategy 2011-2020 Implementation Status Report, November 2017

² Work-related Traumatic Injury Fatalities, Safe Work Australia, 2016

³ For fatalities: four-year average from 2007 to 2010. For injuries: three-year average from 2009-10 to 2011-12

⁴ The mid-term review of the Australian Work Health and Safety Strategy 2012-2022, Safe Work Australia, October 2017

crashes involving heavy trucks or buses. Since 2013, there has been a slight increase in the number of fatal heavy vehicle crashes.⁵

- Fatal crashes involving articulated trucks: increased by 9.4 per cent compared with the corresponding period one year earlier and increased by an average of 0.6 per cent per year over the three years to September 2017.
 - Fatal crashes involving heavy rigid trucks: decreased by 5.0 per cent compared with the corresponding period one year earlier and increased by an average of 2.0 per cent per year over the three years to September 2017.
12. The BITRE annual reports on heavy vehicle crash data identify fatal crashes by vehicle type, jurisdiction, area and alcohol – but not fatigue or driver distraction.
 13. NatRoad is particularly concerned about the recent spike in serious truck accidents in NSW. We have not seen this spike in other states that are subject to the same heavy vehicle safety standards and fatigue management rules, so we are curious about whether there is a problem unique to NSW.
 14. A more comprehensive and consistent approach to data collection across the jurisdictions on the underlying risk factors that lead to serious incidents is needed to support the development of evidence-based policies. It will also help regulators target education and enforcement resources to areas of most risk.
 15. Fatal truck crashes, in particular, must be subject to a prompt and independent investigation to determine the root causes so that future incidents can be prevented.
 16. NatRoad recommends that a dedicated, independent authority such as the Australian Transport Safety Bureau (ATSB) be tasked with investigating all serious truck accidents. The findings and recommendations should be reported publicly so that actions by industry and the government to reduce the road toll are not misdirected.

Safe vehicles

Fleet modernisation

17. NatRoad supports manufacturers incorporating safety features into the design of their heavy vehicles. New trucks offer active safety technologies such as autonomous emergency braking systems, lane departure warnings, electronic stability control (ESC), blind spot monitoring and lane change assist.
18. The fitting of ESC has increased to around 25% and 40% of new trucks and trailers respectively in the general fleet, particularly in vehicles transporting dangerous goods in NSW and logging vehicles in Victoria.⁶ NatRoad is separately responding to the Australian Government's Consultation Regulation Impact Statement on mandating ESC and Roll Stability Control.⁷
19. However, the Truck Industry Council (TIC) reports that the average age of the truck fleet is 13.84 years.⁸ The TIC also found that 'vehicle safety features' ranks sixth in a list of factors

⁵ Fatal Heavy Vehicle Crashes Australia Quarterly Bulletin, July – September 2017, Bureau of Infrastructure, Transport and Regional Economics

⁶ National Road Safety Strategy 2011-2020 Implementation Status Report, November 2017, p.12

⁷ infrastructure.gov.au/department/ips/consultations.aspx

⁸ Truck Industry Council Fleet Report 2015

influencing a decision to purchase a new truck. Whole of life costs, including repair and maintenance, and fuel consumption benefits were cited as more important factors.

20. Heavy vehicle operators are unlikely to upgrade their fleets or adopt new technology if they cannot see a clear financial benefit. In NatRoad's submission to the Department of Infrastructure and Regional Development (DIRD) on the proposed closure of the Federal Interstate Registration Scheme (FIRS), we reported feedback from our members that a key benefit of the stamp duty exemption under FIRS is that it enables them to modernise their fleet with new trucks and take advantage of safety features.
21. Our members also report that trucks in Australia are more expensive when comparing the same model in other parts of the world due to the taxes and levies applied by government.
22. The National Road Safety Strategy 2011-2020 Implementation Status Report notes that no specific action has been undertaken to reduce the average age of vehicles generally, beyond the promotion of safer vehicles.⁹
23. With Australia having one of the oldest truck fleets in the world, we recommend that governments offer subsidies or other incentives to encourage investment in modern, safer vehicles.

High Productivity Vehicles

24. Improving safety while at the same accommodating the growth in the freight task demands more freight on fewer, safer, longer vehicles with higher productivity. The Performance Based Standards (PBS) scheme was introduced in 2007 as an alternative regulatory system for heavy vehicle design to replace the prescriptive method of applying mass and dimension limits. It allows for the use of higher productivity vehicles.
25. An evaluation of the PBS scheme by the National Transport Commission (NTC) found positive safety benefits in relation to high productivity vehicles:¹⁰
 - PBS vehicles are involved in 46 per cent fewer major crashes than the existing non-PBS vehicles for the same distance travelled, and
 - an estimated reduction of over 440 million kilometres in truck travel and at least four lives saved in 2014-2016.
26. However, there are a number of barriers to innovation and take up, including the complexity and cost of the approval process and the access uncertainty which results from a number of administrative processes. This includes the need for individual access permits for most PBS vehicles, the time taken by road authorities to give consent for using their respective roads and the imposition of additional state-based operating conditions.
27. NatRoad recommends that measures to encourage greater participation in the scheme be given a priority, including improving the design approval and end-to-end network access processes for PBS vehicles.

⁹ National Road Safety Strategy 2011-2020 Implementation Status Report, November 2017, p.12

¹⁰ Assessing the effectiveness of the PBS Scheme Discussion Paper, National Transport Commission, August 2017

Automated vehicles

28. Facilitating the safe use of higher levels of vehicle automation will need to be considered in a post 2020 national road safety strategy. We note the NTC is working on a number of reforms to prepare Australia for automated vehicles. NatRoad is providing input into this process through our submissions to the NTC discussion papers and industry consultation forums.
29. While automated heavy vehicles have the potential to deliver improvements in safety, we have doubts about the ability of Australia's current infrastructure to support high levels of automation. There are also still many unanswered questions about how automated systems will cope with various road freight tasks and who will be held liable in the event of an accident.
30. In the transition to higher levels of automation, heavy vehicle drivers will need to maintain their driving skills. It will be important, particularly at conditional automation, that the driver remains alert and ready to take over the dynamic driving task.

Safe roads

31. NatRoad recommends governments apply Safe System principles and treatments to all road infrastructure investment. Appropriate road infrastructure, including suitable rest areas for heavy vehicles, is a critical safety element of the road freight task. Infrastructure developments need to consider freight corridors and include setting service levels for roads, incorporating:
 - Road access service standards for significant freight and supply chain corridors, which allow the use of modern, high productivity vehicles operating at higher mass limits with gazetted, as of right road access conditions.
 - Significant 'last mile' higher mass limit concessions.
 - Road access service levels for other freight routes.
32. Traffic congestion and inadequate street loading zones make freight delivery in our cities and other built up areas a difficult and hazardous exercise. More consideration of freight movement in urban planning and land use decisions is needed, including the provision of adequate facilities for rest and designated parking areas for trucks. Our members have also called on governments to improve visibility at rail crossing intersections and to provide more breakdown or 'emergency only' areas on major highways.

Safe speeds

33. The National Truck Accident Research Centre found that inappropriate speed for the conditions (without necessarily breaking the speed limit) is still the major cause of severe truck crashes, accounting for 21.4% of insurance claims registered.¹¹
34. The Heavy Vehicle National Law (HVNL) includes provisions which prohibit any person entering into a contract or asking, directing or requiring a driver of a heavy vehicle or a party in the chain of responsibility to do or not do something that would cause the driver to exceed a speed limit.

¹¹ [2017 Major Accident Investigation Report](#), National Transport Insurance, using data based on insurance claims of \$50,000 or more.

35. The HVNL also requires vehicles with a GVM over 12 tonnes to be fitted with speed limiters and makes it an offence to tamper with speed limiters fitted to a heavy vehicle.
36. NatRoad has developed a template Speed Management Policy and speed risk assessment tool to assist our members comply with the chain of responsibility requirements relating to speeding.
37. We do not support strengthening speed compliance provisions in the HVNL as previously proposed.¹² Instead, we submit that heavy vehicle driver training on controlling vehicles safely in a range of circumstances and adapting driving to suit the conditions should be improved (see sections in this submission on driver licensing and competency).

Safe people

Fatigue

38. Heavy Vehicle Driver Fatigue reforms, introduced in September 2008, have resulted in a reduction in fatigue-related heavy vehicle crashes. These reforms have been carried over into the HVNL.
39. However, fatigue remains an issue of concern in the road transport industry. The National Truck Accident Research Centre found that fatigue was the principal contributing factor in 12.2 per cent of crashes.¹³
40. The HVNL includes provisions which prohibit any person entering into a contract or asking, directing or requiring a driver of a heavy vehicle or a party in the chain of responsibility to do or not do something that would cause the driver to exceed a speed limit or breach fatigue requirements.
41. However, the regulations under the HVNL rely on restrictions on hours of work and on-road enforcement using logbooks to manage fatigue. These regulations are extremely prescriptive, complex and difficult to comply with. They do not reflect real-world sleeping patterns, driver drowsiness and driver performance. If a driver retires for rest and does not experience quality sleep, even a short period of driving can be affected by fatigue.
42. Our members have raised significant concerns about the excessive regulatory burden associated with work diaries and disproportionate fines. Minor errors in a work diary can attract infringement penalties of \$648 per offence. This means that operators and drivers are primarily focussed on compliance with these rules rather than managing the causes of driver fatigue.
43. It is our view that the current reliance on prescriptive work and rest hours is not as effective as astute driver management in relation to fitness for duty, fatigue training, the use of alertness monitoring devices and regular driver health monitoring, including sleep disorders.
44. NatRoad recommends a review of the heavy vehicle fatigue regulations as a priority. We note the NTC is currently awaiting the outcomes of a research project collecting real-life operational data to better inform future fatigue policy.¹⁴

¹² National Road Safety Strategy 2011-2020 Implementation Status Report, November 2017, p.27

¹³ [2017 Major Accident Investigation Report](#), National Transport Insurance, p.7

¹⁴ <http://www.ntc.gov.au/current-projects/heavy-vehicle-driver-fatigue-data/?modelId=1065&topicId=1080>

45. Western Australia uses a different approach by regulating fatigue under its *Occupational Safety and Health Act 1984* and regulations.¹⁵ It focusses on applying risk management processes relating to how a company will schedule trips; roster drivers; establish a driver's fitness to work, educate drivers in fatigue management; and establish and maintain appropriate workplace conditions. The effectiveness of this approach compared to the HVNL should be evaluated.

Driver licensing and competency

46. Our members have raised concerns that the standard of training to qualify for a heavy vehicle driver license is inadequate. The Senate Standing Committee on Rural and Regional Affairs and Transport *Inquiry into aspects of road safety in Australia*¹⁶ found that the problems associated with heavy vehicle driver licensing relate to:
- Inconsistent implementation of the national Heavy Vehicle Competency Based Assessment scheme
 - Poor quality training where heavy vehicle instructors and assessors lack practical industry experience
 - The standard required to pass heavy vehicle driving assessments is low and the key competencies required of drivers do not focus on safety issues such as load restraint, fatigue management and chain of responsibility
 - Inadequate monitoring and compliance activity to remove unscrupulous and fraudulent trainers and assessors
47. There is a need for skilled and competent drivers to keep up with the growing complexity of the road transport industry with its larger and more technical vehicles, increased travelling distances, rising customer expectations and stronger regulatory and safety environments.
48. NatRoad recommends that the heavy vehicle driver licensing system be improved as part of the broader National Road Safety Strategy Action Plan. Priority should be given to investigating those offering training on a "fast-track" basis where the end result is that a driver is formally qualified to drive a heavy vehicle but often has inadequate on-road experience.

Sharing the road safely

49. Road safety statistics show that a large number of accidents between trucks and light vehicles are due to errors by the light vehicle driver:
- An analysis of multi-vehicle fatal accidents by the National Truck Accident Research Centre found that the driver of the car or light vehicle was responsible in 93% of the incidents.¹⁷
 - There were 88 fatal crashes in South Australia between 2011 and 2015 that involved heavy vehicles, of which 91 per cent involved a light vehicle, pedestrian or cyclist. The heavy vehicle driver was deemed responsible in 20 per cent of these crashes.¹⁸

¹⁵ Western Australia and the Northern Territory have not adopted the HVNL.

¹⁶ [Senate Standing Committee on Rural and Regional Affairs and Transport Road Safety Report](#)

¹⁷ [2017 Major Accident Investigation Report](#), National Transport Insurance

¹⁸ SA Department of Planning, Transport and Infrastructure, [Heavy vehicle drivers involved in road crashes in](#)

50. NatRoad recommends that road transport agencies and media, when quoting road toll statistics for fatalities involving heavy vehicles, include an 'at fault' statistic, otherwise the perception will always be that the truck was at fault.
51. Passenger and light vehicle interaction with heavy vehicles needs a renewed focus by Federal, State and Territory road safety regulators. Driver education programs for new and existing licence holders should emphasise sharing the road safely with heavy vehicles.
52. Driver licensing authorities should upgrade their licensing handbooks and assessments to include more comprehensive information on how to drive safely around trucks.
53. Our members often raise concerns about the behaviour of many recreational vehicle (RV) owners who make it difficult for trucks to overtake safely and who use rest stops designated for trucks.
54. NatRoad has been liaising with the Australian Caravan Club and the Caravan Industry Association of Australia on this issue. The Caravan Industry Association of Australia has received funding for an education and awareness campaign designed to address growing conflicts between RV users and heavy vehicle drivers at rest stops and on the road.¹⁹

Driver distraction

55. While there have been attempts to eliminate illegal mobile phone use while driving, new in-vehicle technologies and mobile apps also have the potential to increase driver distraction. The National Road Safety Strategy should include a focus on reducing the risks of distraction.

Regulation and Enforcement

56. The experiences of our members indicate that a significant proportion of enforcement is focussed on minor technical issues that are not critical to ensuring safety and that there is insufficient focus on potential breaches up the supply chain.
57. Due to the relative simplicity of imposing fines compared to the investigatory requirements of most other forms of enforcement, drivers appear to bear a disproportionate burden of sanctions for regulatory breaches. This also fuels a perception that the fines are issued for "revenue raising" rather than safety objectives.
58. The recent amendments made to the HVNL to strengthen the chain of responsibility requirements may change this situation, although its success will depend on the ability of the regulator to effectively investigate and prosecute up the chain. The onus of proving that a party in the chain of responsibility did not do all that was 'reasonably practicable' in the circumstances will now lie with the prosecutor, which may make investigations more challenging for inspectors accustomed to the strict liability offences under the current HVNL.
59. Regulation is only as valuable as its enforcement and the accountability of parties. The following key factors need to accompany regulation:
 - Parties in the chain of responsibility must believe that enforcement is likely. Regulators must therefore allocate sufficient resources to enforcement activities.

South Australia. Fact sheet, August 2016.

¹⁹ <https://www.caravanindustry.com.au/wp-content/uploads/2015/02/MEDIA-RELEASE-Funding-Boost-to-help-Road-and-Rest-Stop-Users-22Coexist22.pdf>

- Truck drivers must perceive that they can report breaches of regulations which impact on their safety without adverse consequences.
- Retention of a range of regulatory and non-regulatory mechanisms designed to change attitudes and behaviour is critical. Examples include 'point to point' speed monitoring cameras, properly assured certification and accreditation systems, and informational mechanisms which provide adverse publicity to recalcitrant parties.

Safe rates

60. We are concerned about the continued promulgation of so called 'safe rates' in the road safety debate. The recent Senate Standing Committee on Rural and Regional Affairs and Transport inquiry into aspects of road safety in Australia recommended resurrecting a body similar to the former Road Safety Remuneration Tribunal (RSRT) to set 'safe rates' for the transport industry.²⁰
61. The establishment of the RSRT in 2012 was intended to promote safety in the road transport industry. However, this reform was based on a tenuous link between setting mandatory minimum freight rates and improving road safety. Unsurprisingly, the intended goal was not achieved.
62. In fact, the very opposite occurred because the complex and controversial workings of the RSRT diverted owner-driver and other member attention away from the developments in the HVNL - the primary instrument governing road regulation and safety.
63. Two reviews of the Road Safety Remuneration system found that the costs of the system far outweighed its benefits.
64. A review undertaken by PricewaterhouseCoopers Australia (PWC Report)²¹ reinforced the criticism found in an earlier report by Jaguar Consulting (dated 16 April 2014 but released only in 2016).²² The PWC conclusion was that abolition of the Road Safety Remuneration system would result in significant net benefit to the economy and community at large. PWC found that by 2027, the costs of the RSRT's activities would have been more than \$2 billion greater than its benefits. The PWC report also found that the administration costs for small business associated with the RSRT were \$56 million a year for each order, or approximately \$2,000 per business impacted.²³
65. It is plain from the PWC Report that the Payments Order could not materially affect road safety as indicated by the following extract:

According to our analysis, the costs of the Road Transport Order outnumber the benefits, by \$3 in cost to every \$1 of benefits. Our best case scenario analysis shows the Road Transport Order would have to decrease the impact of road accidents in the economy by over 20 per cent for the benefits to outweigh the costs. In 2013, the driver was only at fault (due to speed, fatigue etc.) in 18 per cent of heavy vehicle fatalities. Since the Road Transport Order operates to control fatigue and speed, but cannot impact the behaviour of small vehicle drivers, pedestrians, road conditions and other factors, it is highly unlikely a 20 per cent reduction can be realised, if these factors where the driver is at fault only amounted to 18 per cent of fatal crashes in 2013. Furthermore, we have used conservative estimates in our

²⁰ [Senate Standing Committee on Rural and Regional Affairs and Transport Road Safety Report](#)

²¹ https://docs.employment.gov.au/system/files/doc/other/2016_review_of_the_rsrs.pdf

²² https://docs.employment.gov.au/system/files/doc/other/2014_review_of_the_rsrs.pdf

²³ Above note 10 at 46

analysis leading to the likely conclusion that an appropriately enforced Order would impose far greater costs on industry than safety benefits.²⁴

66. Remuneration of owner drivers cannot be expected to change the behaviour of other motorists who share the road and the link between regulating freight rates and increasing road safety is, in any event, far from proven. The PWC Report found:

While some of these studies have found a link between remuneration and road safety, there remains limited research and conclusions vary as to the extent and nature of this relationship. While there remains the potential for concern about the link between remuneration and road safety, PwC has not found any additional information to change our original view expressed in the Regulation Impact Statement we prepared for the Department of Education, Employment and Workplace Relations in 2011 prior to the establishment of the System. Namely, that the focus of the System should be on the link between remuneration and road safety and only once the link has been appropriately established should those issues be targeted proportionately and directly'.²⁵

67. A report released by the Productivity Commission in March 2017²⁶ called for reduced red tape for farming and transport businesses, recognising that they are subject to a complex regulatory framework. In the report the Productivity Commission also stamps out the myth of 'safe rates' reinforcing their negative impact on the transport industry.
68. NatRoad is confident that the recent changes to the HVNL enhancing the chain of responsibility provisions will have a positive effect on safety in the road freight industry when implemented in 2018.

Conclusion

69. Reducing the road toll will necessarily involve a range of factors that require action by governments, industry and all road users. Our key recommendations outlined in this submission for improving road safety are to:
- a) As a priority, extend the functions of the ATSB to include the investigation of serious heavy vehicle incidents.
 - b) Raise awareness and provide guidance for businesses using vehicles for work to recognise that road safety must be managed in the same way as other workplace safety risks.
 - c) Offer subsidies or incentives to encourage the purchase of safer vehicles and use of safety technologies.
 - d) Support the greater use of high productivity vehicles through the PBS Scheme.
 - e) Facilitate the safe use of higher levels of automation.
 - f) Apply Safe System principles and treatments to all road infrastructure investment and include road access service standards for significant freight and supply chain corridors.
 - g) Review and improve the heavy vehicle driver fatigue regulations.
 - h) Improve training and assessment standards for heavy vehicle driver licensing.

²⁴ Ibid

²⁵ Above note 16 at iii

²⁶ <http://www.pc.gov.au/inquiries/completed/agriculture#report>

- i) Include information on sharing the road safely with heavy vehicles in all driver education programs.
- j) Investigate solutions to reduce the risks of driver distraction.
- k) Ensure enforcement is appropriately targeted to areas of highest risk.