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(Submitted [on-line](#))

Roads Australia Submission

NTC Consultation Regulation Impact Statement
Developing technology-neutral road rules for driver distraction

Introduction

Roads Australia (RA) is Australia's peak body for roads within an integrated transport system. We bring industry, government and the community together to lead the evolution of Australia's roads, integrated transport and mobility networks.

The nation's only roads champion, Roads Australia's 150+ members include all of Australia's road agencies, major contractors and consultants, motoring clubs, service providers and other relevant industry groups. Roads Australia strives to achieve a robust integrated transport system that values and invests in all land transport modes, including roads, vehicles, freight, public transport, rail, cycling and walking. Roads Australia upholds the principles of a safe, inclusive, sustainable, economic and socially valuable roads industry for all Australians.

Roads Australia and Developing technology-neutral road rules for driver distraction

Roads Australia welcomes the opportunity to make a submission on the National Transport Commission's Consultation Regulation Impact Statement (RIS) on *Developing technology-neutral road rules for driver distraction*.

As we expect that many Roads Australia members, in particular Roads and Transport Agencies, will make individual submissions relevant to their jurisdictions, this submission focuses on contextual issues that may assist the Commission in finalisation of the RIS.

Improving our focus on Road Safety is paramount

Roads Australia commends the Transport and Infrastructure Council for commissioning the NTC to continue this important investigation. The NTC's development of options for changes to the Australian Road Rules, taking into account advances in vehicle technologies and to address unsafe driver behaviours, is strongly supported by Roads Australia.

The RIS and supporting documents have clearly outlined the problem we face in addressing the impact of driver distraction on road safety. From Roads Australia's perspective it is simply unacceptable that in the 12 months ending January 2019, there were 1,166 deaths on Australian roads¹.

Driver behaviour is a key contributor: with 6% of Australians estimated to drive or ride at least 10km/h over the speed limit most of the time; while 64% of Australians use a mobile phone while driving or riding; 47% of Australians have driven while feeling fatigued; and 23% of Australians admit to have fallen asleep at the wheel². No more evidence than these survey results is needed to establish the need for the current NTC investigation.

Roadworker Safety

Roads Australia members are exposed every day to the risks of driver distraction in their roles in managing, constructing and maintaining the road network, often under live traffic conditions. Roadworker safety is a key focus for our organisation, consequently we have a strong vested interest in seeing their vulnerability specifically addressed in this review of the Australia Road Rules.

Recent comments by Roads Australia President, David Stuart-Watt, during National Road Safety Week, bring into focus the mutual responsibilities in addressing this issue:

"We still have much to do to keep our roadworkers safe. Clients and their principal contractors need to actively embed safety into the procurement processes. For employers, worksite safety should be part of a comprehensive systems-based approach. New technologies (robotics and automation) are coming and will make a difference. As an industry, we need to get better at planning works."

"Vehicle automation might be the magic bullet...but not for a while yet. The average age of the Australian vehicle fleet is 10 years. That's a long time in terms of vehicle safety technologies. New technologies like Auto Emergency Breaking (AEB) and Lane Support Systems (LSS) are infiltrating the new car market, but will obviously take a long time to filter through to the national fleet. Employers and commercial fleet owners need to be more aware of their responsibilities to the safety of their employees on the road."

"From a safety standpoint, not all technology is good technology. Driver distraction is a factor in 16 per cent of crashes in Australia. Our vehicle dashboards are increasingly overflowing with technology that can be very distracting - touch-screen, in-car entertainment and GPS systems,

¹ Bureau of Infrastructure, Transport and Regional Economics

² www.infrastructure.gov.au/roads/safety/community_attitudes_survey

for example. There remains a huge disconnect between driver perception and reality when it comes to the risk associated with mobile phone use”

In addressing the first question in the RIS “*Is the definition of the problem accurate?*”:

Roads Australia concludes that the consultation RIS has provided comprehensive evidence to support the case for government intervention. We believe this investigation and the resulting changes to the Australian Road Rules will be a significant future benefit to reducing driver distraction risks, and as a consequence will assist in improving Roadworker safety outcomes.

Changes to Australian Road Rules need to be part of the solution to a complex problem

Roads Australia’s “*Spotlight on Safety*” forums held during 2019 have already identified that protecting roadworkers in their operating environment requires attention at all levels.

RA member Altus Traffic presented on the *Roadworker safety opportunities and priorities* from a construction industry perspective ³. The presentation highlighted that more needs to be done to consider roadworker safety risks and mitigating actions early in the procurement process, with vigilance required through-out the construction period.

RA member, 3M Australia, presented their thoughts on *Roadworker Safety: The operating environment - lines, signs and regulations* ⁴. This presentation highlighted the complex human behaviours that need to be taken into account by road managers when designing worksites and associated road signage and line markings.

Dr Dan Sullivan, presented on behalf of RA member, Austroads ⁵, on the work they are carrying out to harmonise traffic management guidelines and training across all Australasian jurisdictions. Together with the further work on a prequalification scheme to improve traffic management company performance and a worker practice registration platform, these initiatives are another important step in the right direction.

The RIS outlines options to address driver distraction and technology change through changes to the Australian Road Rules. Given the complexity of the issues outlined in the RIS and in Roads Australia’s wider consideration of the influences outlined in discussion with our members, it is

³ Altus Traffic – James Pennings

https://roads.memnet.com.au/LocalisedFiles/DocumentManager/Presentations/Roadworker%20Safety%20Workshop/190717_James%20Pennings.pdf

⁴ 3M - Kosta Karagiannopoulos

[https://roads.memnet.com.au/LocalisedFiles/DocumentManager/Presentations/Roadworker%20Safety%20Workshop/3M%20PPT%20-%20Kosta%20\(NXPowerLite%20Copy\).pdf](https://roads.memnet.com.au/LocalisedFiles/DocumentManager/Presentations/Roadworker%20Safety%20Workshop/3M%20PPT%20-%20Kosta%20(NXPowerLite%20Copy).pdf)

⁵ Austroads – Dr Dan Sullivan

https://roads.memnet.com.au/LocalisedFiles/DocumentManager/Presentations/Roadworker%20Safety%20Workshop/190717_Dan%20Sullivan.pdf

clear that option 1 – a ‘status quo’ approach relying on existing regulations is not acceptable. While there are benefits, as outlined in the RIS from the Prescriptive and Performance-based options, on balancing all the issues outlined in the RIS:

Roads Australia concludes that the consultation RIS Option 4 – a Hybrid, technology-neutral approach that combines the best elements of the prescriptive and performance based approaches should be supported.

As outlined in the discussion above, changes to the Australian Road Rules, which are subsequently adopted by Ministers at the conclusion of the Regulation review by the NTC, will be an important element in the overall journey in improving road safety performance in Australia. While Roads Australia has focused our comments on protection of roadworkers in this instance, we remain a strong advocate for the wider overall benefits to the Australian community that will result from implementation of the RIS recommendations.

For more information about this submission please contact Michael Kilgariff at michael@roads.org.au or 03 9821 5255.

Yours sincerely

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