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Joint Standing Committee on Road Safety

Report on Heavy Vehicle Safety

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Terms of Reference

Heavy vehicles account for 21% of fatal crashes on NSW roads. Recently introduced changes to legislation and industrial awards address fatigue and safety management in the NSW trucking industry. Practical measures include the preparation of Driver Fatigue Management Plans and Safe Driving Plans. These measures were introduced in 2006 and it is now timely to review their operation and effectiveness in reducing the representation of heavy vehicles in the NSW road toll.

The Committee will inquire into and report on heavy vehicle safety, with particular reference to:

- a) the adequacy of implementation of the NSW Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005 and the Transport Industry - Mutual Responsibility for Road Safety (State) Award, particularly in relation to heavy vehicle driver fatigue management and safe driving plans;
- b) the integration of NSW OH&S and industrial relations legislation governing heavy vehicles to ensure consistency and conformity with that applying in other States, as part of the national reform agenda;
- c) the adequacy of the Government's provision of infrastructure to support the implementation of heavy vehicle driver fatigue management and safe driving plans in NSW; and
- d) responses to heavy vehicle driver fatigue management and safe driving plans in other jurisdictions, further proposals and any other related matters.

List of Abbreviations

ADR	Australian Design Rules
AFM	Advanced Fatigue Management
ATA	Australian Trucking Association
ATC	Australian Transport Council
BFM	Basic Fatigue Management
COAG	Council of Australian Governments
GDP	Gross Domestic Product
GPS	Global Positioning System
GVM	Gross Vehicle Mass
HVRS	Heavy Vehicle Rating System
HVSP	Heavy Vehicle Safety and Productivity Program
IAP	Intelligent Access Program
IRMRC	Injury Risk Management Research Centre
ISO	International Organization for Standardization
IVRs	Inspector Vehicle Regulations
LBCA	Livestock and Bulk Carriers Association
NHVAS	National Heavy Vehicle Safety Accreditation Scheme
NTC	National Transport Commission
OHS	Occupational Health & Safety
PBS	Performance Based Standards
RTA	Roads & Traffic Authority
TCA	Transport Certification Australia
TIC	Truck Industry Council
TWU	Transport Workers' Union

Chair's Foreword

Road transport is one of the economic lifelines of the nation, with New South Wales as the hub of heavy vehicle traffic across Australia. The carriage of goods by trucks across the State's network of highways involves a complex set of transactions between individual transport companies, government regulators, the trucking industry and vehicle drivers.

Decisions have to be made about the scheduling, dispatch and delivery of goods and the maintenance and upkeep of vehicles. From a safety point of view, the most vulnerable link in the transport chain is the vehicle driver who may have worked long hours, often at night, with minimal rest breaks. Speed contributes to a majority of crash injuries and fatalities, further exacerbated by sleep deprivation and fatigue.

The impact of heavy vehicle crashes is severe and can be catastrophic for individuals, families, communities, the business sector and the nation as a whole. Responsibility for the safe management of vehicles resides with government, the transport industry and vehicle operators.

This report deals with the inadequacy of an historically piecemeal approach to heavy vehicle safety regulation. While NSW has had one of the best regulated occupational health and safety and driver fatigue management regimes in Australia, vehicle drivers still have to negotiate disparate and uncoordinated approaches across State and Territory borders.

Progress towards an integrated and holistic national transport framework for heavy vehicles will provide a much improved environment and benefit from advances in fatigue management and the provision of physical support for long distance drivers. The establishment of a National Heavy Vehicle Regulator and ongoing negotiations towards national heavy vehicle legislation need the active support of all States and Territories as part of the reform agenda.

From a driver's perspective, the Committee has made a set of recommendations designed to improve training, safety compliance, driver fitness, roads maintenance, increased rest stop provision and electronic and engineering enhancements to vehicles. While factors predisposing drivers to fatigue, injury and death cannot be completely avoided, improved management through an integrated national framework will take us much further along the path to safer driving.

It is also important to stress that collaboration between all participants in the transport chain is essential for any reform to succeed. On the basis of all the contributors to this Inquiry, I am confident that the will to achieve better outcomes is there and that the national reform agenda has the full support of all concerned.

I would like to thank all the vehicle owners and operators who participated in the Inquiry. It was valuable to hear and receive evidence from drivers and I appreciate that it is not easy for everyone to write formal submissions and appear at public hearings. Such input is particularly beneficial in gaining insight into the working conditions and difficulties experienced on the road.

The Committee also benefited substantially from its tour of inspections in regional NSW and meetings with drivers in Dubbo, Wagga Wagga and Tarcutta. Informal discussions with

drivers at truck stops and interchanges provided useful background information for the Inquiry.

Finally, I would like to thank all Committee Members and the Secretariat for their contributions and hard work in the conduct of this very worthwhile Inquiry.

Geoff Corrigan MP
Chair

List of Recommendations

RECOMMENDATION 1:

The Committee recommends that the RTA, through the Centre for Road Safety, as part of its research based funding, commission a study to compare the relevant heavy vehicle driver risk factors in metropolitan and non-metropolitan settings. The identification of disparities in contributing risk factors and the success of strategies employed to date will enable a more targeted approach to intervention measures to be implemented.

RECOMMENDATION 2:

Staysafe notes that The George Institute is currently undertaking a three year action research study into heavy vehicle safety risks. The Committee strongly supports this initiative and recommends that the RTA ensure that its findings are incorporated into policy formulation for future action to improve road safety in NSW.

RECOMMENDATION 3:

In view of recognised and anticipated growth in the heavy vehicle transport industry and a shortage of trained drivers, the Committee recommends that the RTA conduct discussions with TAFE NSW, other vocational training institutions and the heavy vehicle transport industry to provide increased funding and support for the expansion of driving simulator training in NSW.

RECOMMENDATION 4:

The Committee also recommends that the NSW Minister for Transport, through the Australian Transport Council agenda, look at other strategies to remove access barriers for entry into the transport industry for heavy vehicle operators.

RECOMMENDATION 5:

In order to ensure the continuing competency of the existing driver skills base, the Committee further recommends that the RTA investigate the feasibility of mandating refresher simulator or other appropriate training for heavy vehicle drivers every three years, as is required in European jurisdictions.

RECOMMENDATION 6:

The Committee recommends that the RTA, prior to completion of its current review of the Safe-T-Cam system, investigate whether the system can be improved to deter the practice of shepherding, where tailgating drivers escape detection. One such solution would be to identify trucks that travel too closely behind one another and impose automatic fines for this practice.

RECOMMENDATION 7:

The Committee considers that dedicated counselling and crisis support services for heavy vehicle drivers should be more widely available and recommends that the RTA conduct discussions with the trucking industry to determine the current provision of such services in NSW.

RECOMMENDATION 8:

The Committee also recommends that the RTA assess the provision of counselling services by current providers with a view to supporting the funding of help lines or other means of direct assistance to drivers in crisis.

RECOMMENDATION 9:

The Committee recommends that the RTA and WorkCover NSW ensure that all strategies employed to educate and inform drivers and all others involved in the supply chain about safety issues and regulatory requirements be conducted after comprehensive consultation and in conjunction with appropriate peak transport industry bodies, as well as consignors and consignees.

RECOMMENDATION 10:

The Committee recommends that the RTA investigate the feasibility of improved purpose designed tracking systems to monitor road conditions on heavily trafficked roads in order to improve maintenance scheduling and to provide greater assurances about road suitability for heavy vehicle operators.

RECOMMENDATION 11:

The Committee recommends that the RTA initiate discussions with the NSW Local Government and Shires Association to develop strategies to encourage key towns along major highways to assist in providing new infrastructure and allow access to existing facilities for truck drivers.

RECOMMENDATION 12:

The Committee further recommends that the RTA consult with peak freight transport industry bodies and heavy vehicle owner/operators to develop an agreed list of major design and siting requirements for the establishment and enhancement of heavy vehicle rest areas throughout NSW.

RECOMMENDATION 13:

The Committee recommends the extension of the Blue Reflector Scheme, as appropriate, in more locations to assist in overall heavy vehicle driver fatigue management. The extension of the Scheme should also aim to standardise the colour used across State borders.

RECOMMENDATION 14:

The Committee recommends that the RTA prioritise the development of a system to provide a transparent and effective safety rating to trucking companies, whereby their operation and performance can be easily assessed and compared against established safety criteria.

RECOMMENDATION 15:

The Committee recommends that the RTA, while participating in consultative forums as part of the Australian Design Rules process, lobby strongly for the redesign of existing bull bar conditions to meet increased safety standards and the compulsory installation of energy absorbing under-run protection devices in order to improve heavy vehicle safety.

RECOMMENDATION 16:

The Committee recommends that the RTA release the results of its electronic work diary trials and, if appropriate, implement their operation across the heavy vehicle industry to improve compliance with fatigue safety requirements.

RECOMMENDATION 17:

The Committee recommends that the RTA, as part of the Australian Design Rules consultative process, actively pursue the mandatory incorporation of anti-lock brakes in heavy vehicle production.

RECOMMENDATION 18:

The Committee further recommends that the RTA also lobby for the inclusion of other safety based electronic systems such as electronic stability control, adaptive cruise control and lane assist to be included in future heavy vehicle Australian Design Standards.

Chapter One - Introduction

Background

- 1.1 New South Wales is a major heavy vehicle transport hub, with its road network carrying approximately 80% of all road based goods movements within Australia¹. Additionally, heavy vehicle transport movements are predicted to double by 2020 and to treble by 2050, thus adding to the urgency to ensure that such movements are as safe and effective as practicable.
- 1.2 The road transport industry is inherently dangerous. The size of vehicles, the nature of goods carried and the physical and psychological demands placed on drivers make a rigorous regulatory regime an essential part of protecting all motorists and of managing this sector of the economy.
- 1.3 According to Australian Government figures, trucks were involved in 237 crashes that resulted in 264 deaths in 2008. In NSW, heavy vehicles comprise around 2.1% of registered vehicles and account for 8.6% of all kilometres travelled. They are, however, involved in more than 21% of all fatal crashes.²
- 1.4 In the last year, there have been several serious fatal crashes involving heavy vehicles. These incidents have received significant media attention and are a continuing cause for concern. It is timely to focus on the issues contributing to the over-representation of heavy vehicles in such crashes and to refine strategies for addressing the factors identified.
- 1.5 A significant part of the Committee's investigations concerns the introduction of the National Reform Agenda which, when fully adopted, will result in a set of uniform laws to regulate heavy vehicle safety across Australia. Many of the current problems relating to driver fatigue management and the responsibilities for all parties in the transport chain will be addressed as part of this reform package.
- 1.6 On 26 November 2008, the Joint Standing Committee on Road Safety (Staysafe) resolved to conduct an inquiry into Heavy Vehicle Safety in New South Wales.
- 1.7 The Committee adopted the following resolution:
That the Committee undertake an inquiry into Heavy Vehicle Safety with the following terms of reference:
 - a) the adequacy of implementation of the NSW Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005 and the Transport Industry - Mutual Responsibility for Road Safety (State) Award, particularly in relation to heavy vehicle driver fatigue management and safe driving plans;
 - b) the integration of NSW OH&S and industrial relations legislation governing heavy vehicles to ensure consistency and conformity with that applying in other States, as part of the national reform agenda;
 - c) the adequacy of the Government's provision of infrastructure to support the implementation of heavy vehicle driver fatigue management and safe driving plans in NSW; and

¹ Submission 22, Attachment A, RTA, p.2.

² ATSB, Quarterly Bulletin, Fatal Heavy Vehicle Crashes Australia, October-December 2008, p.1.

- d) responses to heavy vehicle driver fatigue management and safe driving plans in other jurisdictions, further proposals and any other related matters.³

Conduct of Inquiry

- 1.8 On 22 January 2009, the Committee announced the Inquiry by calling for submissions from relevant organisations, to be lodged by 27 March 2009. The Inquiry was also advertised in major newspapers and on the Committee's website. In total, the Committee received 27 submissions from private citizens, non-government and industry organisations, trade unions and government departments and agencies.
- 1.9 Due to an urgent request on 6 May 2009 by the then Minister for Roads, The Hon. Michael Daley MP, to conduct an inquiry into pedestrian safety, progress on the Heavy Vehicle Safety Inquiry was temporarily put on hold. Staysafe reported on its pedestrian safety reference in December 2009.
- 1.10 The Heavy Vehicle Safety Inquiry recommenced with a public hearing held in Sydney on 17 May 2010 to obtain evidence from the main government agencies with responsibility for heavy vehicle safety, as well as industry organisations.
- 1.11 This was followed by a hearing in Dubbo on 24 May 2010. At the completion of the hearing, the Committee travelled from Dubbo to Wagga Wagga via Tarcutta along the Newell Highway. Along the way, Members inspected heavy vehicle rest areas, blue reflector sites, and heavy vehicle testing and inspection stations. The itinerary for the inspections is set out at Appendix Three.
- 1.12 Meetings were also held with the Transhelp Foundation, a privately operated organisation supporting Australian truck drivers and their families, and with transport operators from Wagga Wagga and the surrounding region.
- 1.13 Staysafe Members also participated in heavy vehicle training by trialling the heavy vehicle simulator recently acquired by TAFE NSW.

Report Structure

- 1.14 Chapter 2 of the Report sets the scene by describing the current and proposed legislative framework for heavy vehicle safety and driver fatigue management. The following Chapter details the risk profile of heavy vehicle drivers and discusses the underlying factors predisposing drivers to injuries and fatalities. Chapter 3 also examines the range of measures currently utilised to mitigate risk and to monitor driver behaviour.
- 1.15 Chapter 4 looks at vehicle design and physical factors, including road infrastructure, as contributors to heavy vehicle safety risk. This Chapter also reviews the development of new electronic technology, such as vehicle intelligent systems, in managing risk and improving performance on the road.
- 1.16 Uniform policy, legislative coordination and moves towards a National Reform Agenda are documented in Chapter 5. A rationale for greater consistency across borders and standard approaches to compliance and enforcement between jurisdictions is presented as a welcome development in this area of road safety.
- 1.17 The final Chapter contains the Committee's overall conclusions and recommendations to progress the heavy vehicle safety agenda and to provide policy

³ Minutes of Committee Proceedings, No. 18, 26 November 2010, Item 2.

makers with practical suggestions about further countermeasures and strategies to assist all participants in the transport chain.

Chapter Two - Legislative Framework for Heavy Vehicle Safety

- 2.1 The heavy vehicle industry operates throughout eight Australian States and Territories. Consequently, all parties in the industry are subject to regulation by multiple legislative instruments enacted by Parliaments across many jurisdictions. This introduces elements of inconsistency and complexity in a vital area of safety and performance.
- 2.2 Heavy vehicle safety encompasses key aspects of occupational health and safety, road safety, and industrial relations issues. Within New South Wales, the industry is governed by a range of laws, regulations and awards, of which the principal instruments are set out below.

NSW Occupational Health & Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005

- 2.3 Occupational health and safety in NSW is governed by the provisions of the *Occupational Health and Safety Act 2000*. The OHS Act and accompanying Occupational Health and Safety Regulation 2001 establishes the overarching statutory framework for the protection of workers and implementation of risk management principles for workplace safety. This regulation remains in force until 1 September 2012, unless repealed earlier.¹
- 2.4 The NSW Occupational Health & Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005 deals specifically with fatigue related safety issues for heavy vehicle operators. This Regulation, which came into effect on 6 March 2006, applies to all motor vehicles with a Gross Vehicle Mass (GVM), or gross combination mass, over 4.5 tonnes engaged in the transportation of freight long distance. It applies to travel in excess of 500 kilometres whether by means of a single journey or a series of journeys.
- 2.5 The Regulation represented the first time employers, head carriers and large consignors and consignees were required to assess the risk of harm from driver fatigue. It also mandated that Driver Fatigue Management Plans be in place, while consignors and consignees with more than 200 employees had the additional responsibility of ensuring they did not impose unreasonable deadlines for freight deliveries.
- 2.6 A Driver Fatigue Management Plan addresses: trip schedules and driver rosters; management practices (including systems for monitoring driver health and safety); work environment and amenities; and training and information provided to drivers regarding fatigue, loading and unloading schedules, accidents and mechanical failures.
- 2.7 This Regulation therefore enabled WorkCover to investigate whether trip schedules, driver rosters, inadequate training for drivers on fatigue issues or loading schedules had contributed to incidents and accidents involving long haul trucks.
- 2.8 In addition, other road transport legislation also plays an important role in regulating heavy vehicle driver fatigue. The Road Transport (Safety and Traffic Management)

¹ *Subordinate Legislation Act 1989*, No 146, Section 10A (2).

(Driver Fatigue) Regulation 1999 prescribes maximum driving hours and requirements for rest breaks. Employers, drivers, consignors, consignees and transport operators must take this legislation into account when preparing and operating Driver Fatigue Management Plans.²

- 2.9 The object of the 2005 Regulation is to “reduce the fatigue of drivers of heavy trucks”.³ Employers are required to assess the risk of harm to such drivers’ health and safety and take remedial action to eliminate or control that risk (to the extent that the employer’s activities contribute to the risk). This obligation is also imposed upon head carriers, consignors and consignees who enter into contracts with self-employed carriers.⁴ The Regulation requires persons with such obligations to prepare Driver Fatigue Management Plans detailing how obligations to address such risks will be met.
- 2.10 The Regulation also prohibits consignors and consignees of freight from entering contracts for the transportation of freight by heavy trucks unless satisfied that the delivery timetables are reasonable and Driver Fatigue Management Plans are in place. Such assessments must be informed by industry knowledge of the amount of time construed to be reasonable to undertake each trip, taking into account the loading, unloading and queuing times.
- 2.11 A Driver Fatigue Management Plan is required to address the following matters to the extent they affect driver fatigue: trip schedules and driver rosters (taking into account the time required to perform tasks safely); the amount of time actually taken to perform tasks; rest periods required to recover from the fatigue effects of work (including the cumulative effects); the effect of the time of day or night on fatigue; management practices (including methods for assessing the suitability of drivers, systems for reporting hazards and incidents, systems for monitoring driver’s health and safety); work environment and amenities; driver training and information about fatigue; loading and unloading schedules; practices and systems (including queuing); accidents; and mechanical failures.

Transport Industry – Mutual Responsibility for Road Safety (State) Award and Contract Determination

- 2.12 The Transport Industry – Mutual Responsibility for Road Safety (State) Award and contract determination which came into effect on 6 November 2006, reinforced the policy shift evident in Occupational Health and Safety legislation, making transport operators legally responsible for ensuring work is carried out in a safe manner.
- 2.13 The Award applies to heavy vehicles (a motor vehicle with a GVM of over 4.5 tonnes) engaged in “long distance work”. Long distance work is defined as a single journey, or series of journeys in any one shift, of more than 500km.
- 2.14 The purpose of the Award is to ensure that:
- All parties connected with the road transport of goods take responsibility for health and safety issues;

² Subordinate Legislation Act 1989 No. 146, Section 10A (1).

³ Occupational Health & Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005, Explanatory Note.

⁴ Consignors and consignees that employ fewer than 200 employees are exempt from certain requirements of the regulation.

- Long distance road transport work is undertaken safely and in accordance with applicable laws and industrial instruments;
 - Long distance road transport work is properly planned to prevent driver fatigue;
 - Employees are properly trained in health and safety matters;
 - Safety is not compromised by underpayment of employees; and
 - Professional drug taking, and the performance of work whilst affected by drugs and/or alcohol, is eliminated.
- 2.15 To give effect to the purpose of the Award, transport operators are required to prepare Safe Driving Plans in relation to any work performed by employees and labour hire employees.
- 2.16 Whereas Driver Fatigue Management Plans are intended to be an overall framework for describing how the risk of fatigue in the transport of freight long distance is managed, Safe Driving Plans under the State Award relate to individual trips and have comparatively more detailed requirements.
- 2.17 Safe Driving Plans must:
- demonstrate how the work to be performed is to be remunerated in accordance with any applicable industrial instrument;
 - identify the remuneration method chosen, and the rate;
 - identify the system(s) by which the effect of the chosen method of remuneration on driver fatigue may be monitored and measured;
 - identify the means by which the amount of hours and work to be performed by employees, and labour hire employees is to be limited in order to prevent driver fatigue occurring and excessive hours being worked, and the means by which such limitations are to be enforced;
 - set out how the work is to be performed and rest breaks taken in a manner consistent with the Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999 and any provisions of any applicable industrial instrument concerning hours of work, limitations upon hours worked, meal breaks, rest breaks, crib breaks and like matters; and
 - identify the means by which the transport operator will ensure that any persons performing the work will be doing so free of drugs and alcohol.⁵
- 2.18 The Award is intended to supplement the provisions of the *Occupational Health and Safety Act 2000*, the Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005, and the Road Transport (General) Regulation 2005.

National Reform Agenda

- 2.19 The heavy vehicle legislative landscape has undergone a number of changes in response to demands to clarify and standardise work practices and procedures across Australia. This is discussed further in Chapter 5 of the report.
- 2.20 In NSW, assessments of the Industrial Relations and Occupational Health and Safety legislation reinforced a growing realisation that heavy vehicle driver safety involves

⁵ NSW Industrial Gazette – Vol.361, 29 December 2006, pp.1272-1273.

more than just individual driver behaviour. The need to reform current regulatory and policy frameworks at the State and national level was clearly identified by the National Transport Commission as part of its 2006 review of Heavy Vehicle Driver Fatigue. The Commission stated that the existing system was inadequate and that a new system should be based on principles of increased flexibility and increased operator responsibility to manage driver fatigue.

- 2.21 In August 2006, the National Transport Commission released its Heavy Vehicle Driver Fatigue draft regulations and policies for public consultation. In its response to public comment on the draft package, the Commission stated: "Current prescriptive approaches are inflexible, not fully effective and are inconsistent with requirements under occupational health and safety laws..."⁶ Following the consultation period, the redrafted Heavy Vehicle Driver Fatigue Reform Package included model legislation as well as policies and practices to assist in managing fatigue.
- 2.22 While acknowledging that Occupational Health and Safety agencies (such as WorkCover) were already addressing driver fatigue, the Commission highlighted that there were often different requirements and regulations in each State jurisdiction and that these were unlikely to cover the full chain of responsibility as comprehensively as road transport legislation was able to do.
- 2.23 The Heavy Vehicle Driver Fatigue Reform Package was submitted to the Australian Transport Council for ratification in December 2006. Relevant State and Territories were asked to vote on the package by 14 February 2007.
- 2.24 The New South Wales Minister for Roads asked the Roads and Traffic Authority to convene a working party responsible for comparing the Commission's Reform Package with New South Wales Occupational Health and Safety and relevant Industrial Relations legislation to ensure consistency.
- 2.25 The national reform extended legal responsibility for managing driver fatigue to all parties in the supply chain, including:
- The employer of the driver;
 - The prime contractor of the driver;
 - The operator of the vehicle;
 - The scheduler of goods for transport by the vehicle and also the scheduler of its driver;
 - The consignor and consignee of the goods transported by the vehicle;
 - The loading manager; and
 - The loader and unloader of the goods carried by the vehicle.
- 2.26 The reforms applied to all trucks with a gross vehicle mass (GVM) of gross combination mass greater than 12 tonnes. This obligation was consistent with existing requirements under occupational health and safety laws, which required employers and employees to take all reasonably practicable steps to manage driver fatigue.

⁶ NTC, Heavy Vehicle Driver Fatigue - Updated Draft Regulatory Impact Statement, August 2006, p. 1.

Fatigue Management

2.27 The national reform represented a shift away from regulating hours of work toward managing fatigue through the introduction of a three-tier system of 'work and rest' options:

- Standard Hours (basic work and rest limits);
- Basic Fatigue Management (BFM - more flexible work and rest hours linked to accreditation); and
- Advanced Fatigue Management (AFM - create own safety management system and work hours, linked to accreditation).

2.28 The differences between standard hours and Basic Fatigue Management are detailed in the following Table.

TABLE 1: STANDARD HOURS AND BASIC FATIGUE MANAGEMENT FRAMEWORK

OPTION & DESCRIPTION	TIME	WORK	REST
	In any period of...	A driver must not work for more than a total of...	And must have a minimum rest time of...
Standard Hours (Basic work and rest limits)	5½ hours	5¼ hours	15 continuous minutes
	8 hours	7½ hours	30 minutes rest in blocks of 15 continuous minutes
	11 hours	10 hours	60 minutes rest in blocks of 15 continuous minutes
	24 hours	12 hours	7 continuous hours stationary rest*
	7 days	72 hours	24 continuous hours stationary rest
	14 days	144 hours	4 night rests (including 2 consecutive night rests)^
Basic Fatigue Management (BFM) (more flexible work and rest hours linked to accreditation)	6¼ hours	6 hours	15 continuous minutes
	9 hours	8½ hours	30 minutes rest in blocks of 15 continuous minutes
	12 hours	11 hours	60 minutes rest in blocks of 15 continuous minutes
	24 hours	14 hours	7 continuous hours stationary rest time
	7 days	36 hours long/night`	
	14 days	144 hours	2 x 24 continuous hours stationary rest. First 24 hours rest must be taken after no more than 84 hours work. 4 nights off (including 2 consecutive).

* Stationary rest is rest time that a driver spends out of a heavy vehicle or in an approved sleeper berth of a stationary regulated heavy vehicle.

^ A night's rest means seven continuous hours taken between 10pm and 8am or 24 continuous hours stationary rest.

` Long/night hours means any work time in excess of 12 hours in any 24 hour period or between 12 midnight and 6am.

2.29 Operators using the Advanced Fatigue Management system specify the 'normal operating limits' for the six criteria set out below. These limits must be within the outer limits prescribed by legislation.

TABLE 2: ADVANCED FATIGUE MANAGEMENT FRAMEWORK

PARAMETER	OUTER LIMITS
Minimum break in a 24 hour period	6 continuous hours or 8 hours in 2 parts
Minimum continuous 24 hour period free of work	4 periods in 28 days
Minimum opportunity for night sleep (between 10pm and 8am)	2 periods in 14 days
Maximum hours work in a 24 hour period	16 hours (except NSW and Victoria)
Maximum work in 14 days	154 hours
Maximum work in 28 days	288 hours

2.30 Under this new regime, the following definitions apply:

- 'Work' refers to driving and any other tasks related to the operation of the heavy vehicle such as refuelling, conducting vehicle inspections, attending to the load, cleaning, loading and unloading of the vehicle, and queuing to load/unload;
- Periods of 'work' and 'rest' are calculated in fifteen-minute intervals, however, work time is rounded up and rest time is rounded down. Times are calculated according to the time zone of the driver's base; and
- Operators working under either the basic or advanced fatigue management system need to be accredited through the National Heavy Vehicle Safety Accreditation Scheme (NHVAS).

2.31 In contrast to the Standard Hours and Basic Fatigue Management frameworks, the Advanced Fatigue Management option does not prescribe work and rest hours. Instead, operators are granted greater flexibility to manage fatigue through a risk management approach, thus enabling a customised approach to suit the needs of a particular business.

Other Issues

2.32 The Heavy Vehicle Driver Fatigue Reform also introduced a requirement to maintain a work diary, replacing driver logbooks. This requirement applies to all drivers operating under the standard hours arrangement (regardless of the distance travelled);⁷ as well as drivers covered by Basic Fatigue Management (BFM) and Advanced Fatigue Management (AFM) plans.

2.33 In New South Wales, the provisions of the national reform were implemented through the Road Transport (General) Regulation 2005 and commenced on 29 September 2008. It is important to note in this context that, although Victoria, Queensland and South Australia also adopted the model legislation within their own legislative regimes on the same date of commencement, it has still not been adopted uniformly across all Australian jurisdictions to date.

⁷ The provision applies in New South Wales and Tasmania only.

- 2.34 The objective of a national agenda for heavy vehicle safety reform has been welcomed universally by all contributors to the Inquiry. Many submissions have referred to the complexity of the current regulatory regime and the difficulties experienced by heavy vehicle drivers in meeting award conditions and related legislative requirements. This applies particularly to record keeping by way of logbooks and trip plans and the necessity to provide identical information in a range of different formats.
- 2.35 Concerns have also been expressed about the different approaches to driving hours and rest periods imposed across jurisdictions and the differences in load limits and road conditions, including dedicated rest areas, contributing to driver stress levels and compromising safety. These issues are dealt with in greater detail in later chapters of the report. Another related matter raised in evidence and discussed later in the report is the need for improved active promotion of and education about the national agenda and its associated benefits. Several peak organisations claim that this process has not been handled well in the past.

Chapter Three - Heavy Vehicle Driver Safety

- 3.1 The conditions predisposing heavy vehicle drivers to crash injuries and fatalities apply to all drivers. Heavy vehicle drivers, however, are also subject to a range of other contributing risk factors due to the nature of the driving task undertaken. This includes the length of trips and consequential high number of hours spent driving and the availability and appropriate access to facilities for rest and fatigue recovery. The regulatory environment governing the operation of the heavy vehicle industry has been outlined in the previous Chapter.
- 3.2 This Chapter will focus on the driving environment from the point of view of individual drivers and the extent to which drivers are adequately supported in performing their tasks and meeting their obligations. Identification of major risk factors for heavy vehicle drivers will be considered in the context of training and adherence to driving protocols, safety compliance, surveillance and education. Infrastructure provision and technological support will be dealt with in the following Chapter.

Underlying Risk Factors

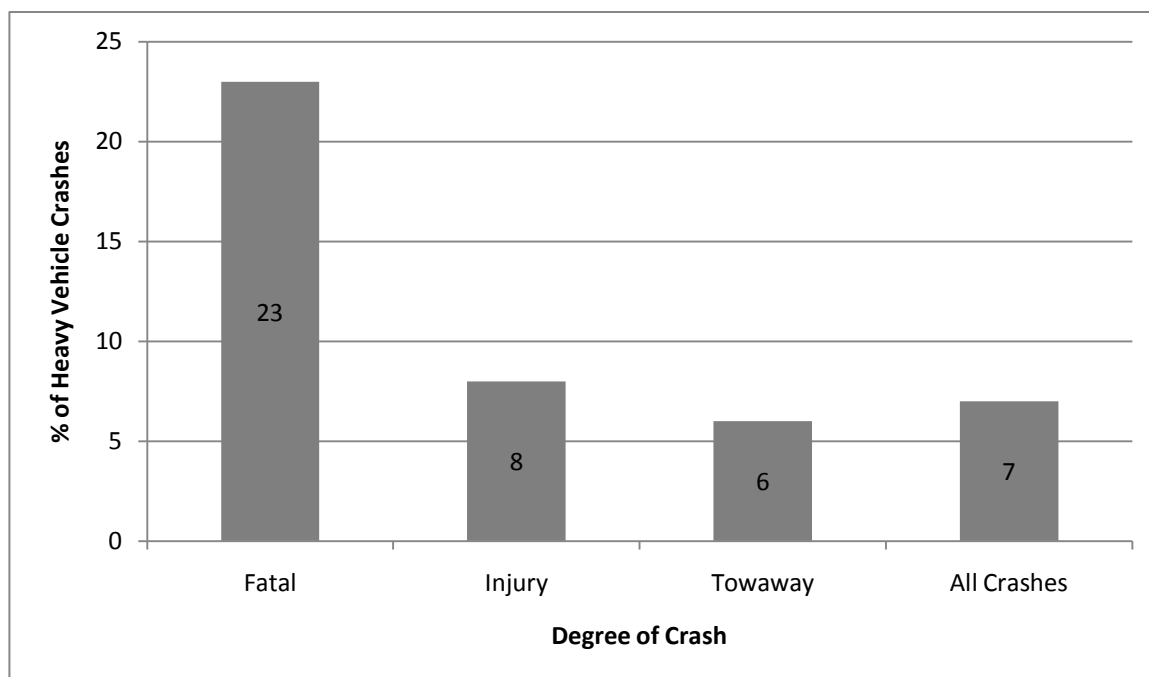
Fatigue

- 3.3 Fatigue, while recognised as a significant causal factor in vehicle crashes, has two components, namely a physiological need for sleep and boredom resulting from repetitive and monotonous activity. Whereas both conditions result in the same outcome, that is a reduction in alertness and attentiveness leading to performance impairment, this is a particular concern for heavy vehicle drivers who are expected to drive safely despite continual disruption to regular sleeping patterns and resetting of their body clock.
- 3.4 WorkCover NSW has described heavy vehicle fatigue as: the feeling of weariness from bodily or mental exertion and defined as feeling tired, drained or exhausted; influencing an individual's physical, mental and emotional state; losing alertness, accompanied by poor judgment, slower reactions to events and decreased motor skill; resulting from long periods of time awake, strenuous work as well as poor sleep patterns; influenced by the time of the day that the work is performed; effected by emotional and health issues; accumulating over a period of time; and impairing a driver's judgment of their state of fatigue. WorkCover stresses that this means the effective management of fatigue is not the responsibility of the driver alone.
- 3.5 Fatigue indicators include:
- feelings of sleepiness;
 - extended sleep during days off;
 - a greater tendency to fall asleep while at work;
 - more frequent naps during leisure hours;
 - not feeling refreshed after sleep;
 - repeatedly drifting in and out of traffic lanes;
 - increased errors and loss of concentration at work; and

- missing gear changes and turn offs."¹

3.6 A major contributor to heavy vehicle fatalities is driver fatigue. According to the RTA, for the period 2005-2007, seven per cent of all heavy vehicle crashes involved driver fatigue. However, this percentage increased for fatal crashes, where 23% of heavy vehicle operators were fatigued.² The following diagram illustrates the involvement of fatigue in crashes:

DIAGRAM 1: CRASHES INVOLVING HEAVY VEHICLE DRIVERS, % INVOLVING DRIVER FATIGUE, DEGREE OF CRASH, 2005 TO 2007³



3.7 The role of fatigue in crashes, as delineated by road user category, is further detailed in the following table:

TABLE 3: FATALITIES FROM CRASHES INVOLVING A HEAVY VEHICLE DRIVER, 2005 TO 2007, FATIGUE INVOLVEMENT, ROAD USER⁴

Fatigue Involvement	Fatalities Heavy Vehicle Occupant	Fatalities Light Vehicle Occupant	Fatalities Pedestrian or Pedal Cyclist	Total
Not Involved	39	125	56	220
Fatigue for Heavy Vehicle Driver	18	3	1	22
Fatigue for Light Vehicle Driver/Rider	0	50	0	50
Total	57	178	57	292

¹ WorkCover NSW, Driver Fatigue Management, 6 May 2010, p.2.

² Submission 22, RTA, p. 9.

³ Ibid.

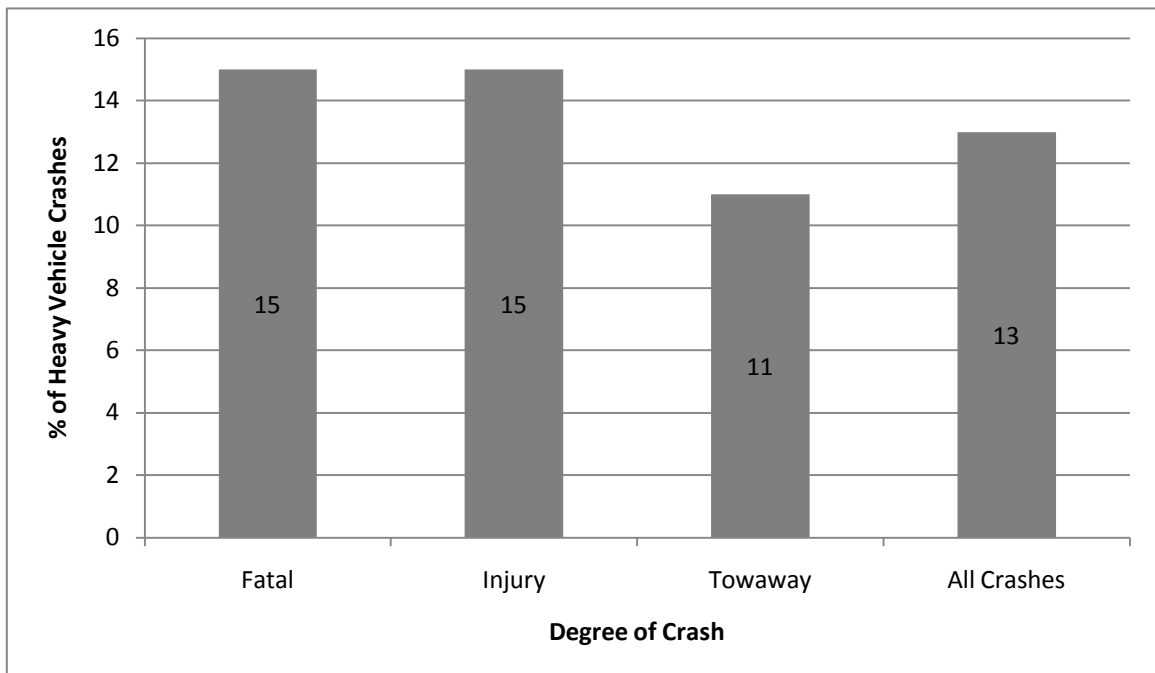
⁴ Ibid, p.10.

Speed

3.8 Speed is another significant contributor to heavy vehicle crash injuries and fatalities. Data provided by the RTA indicates that 13% of heavy vehicle crashes involve excessive or inappropriate speed and 15% of fatalities are speed related. This figure is qualified by the RTA on the basis that the speed factor may be underestimated in some heavy vehicle crashes.⁵ The results of a recent RTA survey found that 37.7% of heavy vehicles exceeded the speed limit in 100km/hr zones in 2009.⁶

3.9 The following diagram illustrates heavy vehicle speeding crashes for the period 2005-07.

DIAGRAM 2: CRASHES INVOLVING HEAVY VEHICLE DRIVERS, % INVOLVING EXCESSIVE SPEED, DEGREE OF CRASH, 2005 TO 2007⁷



3.10 This data is supplemented in the following table, which sets out speed involvement by user category, as follows:

⁵ Ibid, p.7.

⁶ The Sydney Morning Herald, Speeding heavy trucks on the rise, 12 July 2010.

⁷ Submission 22, RTA, p.7.

TABLE 4: FATALITIES FROM CRASHES INVOLVING A HEAVY VEHICLE DRIVER, 2005 TO 2007, SPEED INVOLVEMENT, ROAD USER⁸

Speed Involvement	Heavy Vehicle Occupant	Light Vehicle Occupant	Pedestrian or Pedal Cyclist	Total
Not Involved	27	165	55	247
Speed for Heavy Vehicle Driver	30	4	2	36
Speed for Light Vehicle Driver/Rider	2	9	0	11
Total	57	178	57	292

n.b. Two fatal crashes involved a speeding heavy vehicle and a speeding light vehicle, resulting in the two heavy vehicle fatalities from the crashes being included in both the speed for heavy vehicle and speed for light vehicle categories.

- 3.11 A longitudinal research study carried out by the National Centre for Truck Accident Research, published in 2009, supports these figures by citing speed and fatigue as the major causes of serious truck crashes in Australia for 2007. The study found that 27.4% of reported crashes involved inappropriate speeding and that speed and fatigue made up 47.7% of serious truck crashes.⁹ Moreover, the report noted that New South Wales dominated major truck crash incidents.
- 3.12 According to the National Transport Commission, approximately 330 people are killed nationally each year in crashes involving a heavy vehicle. Such crashes are estimated to represent \$2 billion a year of the \$15 billion cost of all road crashes. It has been estimated that if all heavy vehicles complied with speed limits, a 29% reduction in heavy vehicle crashes could be expected.¹⁰

Other Risk Factors

- 3.13 Other contributing driver risk factors captured in crash data include alcohol involvement and the non-use of seat belts. In the case of heavy vehicle drivers, very few crashes were attributed to alcohol. Figures provided by the RTA indicate that in 2007, only 1% of all heavy vehicle crashes and 3% of heavy vehicle fatal crashes had driver alcohol involvement.¹¹
- 3.14 Seat belt non-usage does not, of itself, directly contribute to a crash but does influence its degree of severity and is implicated in fatal crashes. In the period 2005-2007, of the 269 heavy vehicles involved in fatal crashes, 21 (8%) were not wearing seat belts and 25 (9%) did not have belts fitted. The absence of seat belts also raises the issue of vehicle defects, which is discussed in Chapter 4.
- 3.15 The RTA submission also identifies driver domicile and crash location as differential variables in crash data collection. Whereas 8% of crashes in 2005-07 involved heavy vehicle drivers residing interstate, this represents 20% of fatal crashes and 31% of articulated truck drivers.¹²

⁸ Ibid, p.8.

⁹ National Centre for Truck Accident Research, Major Accident Investigation Report 2009, p.3.

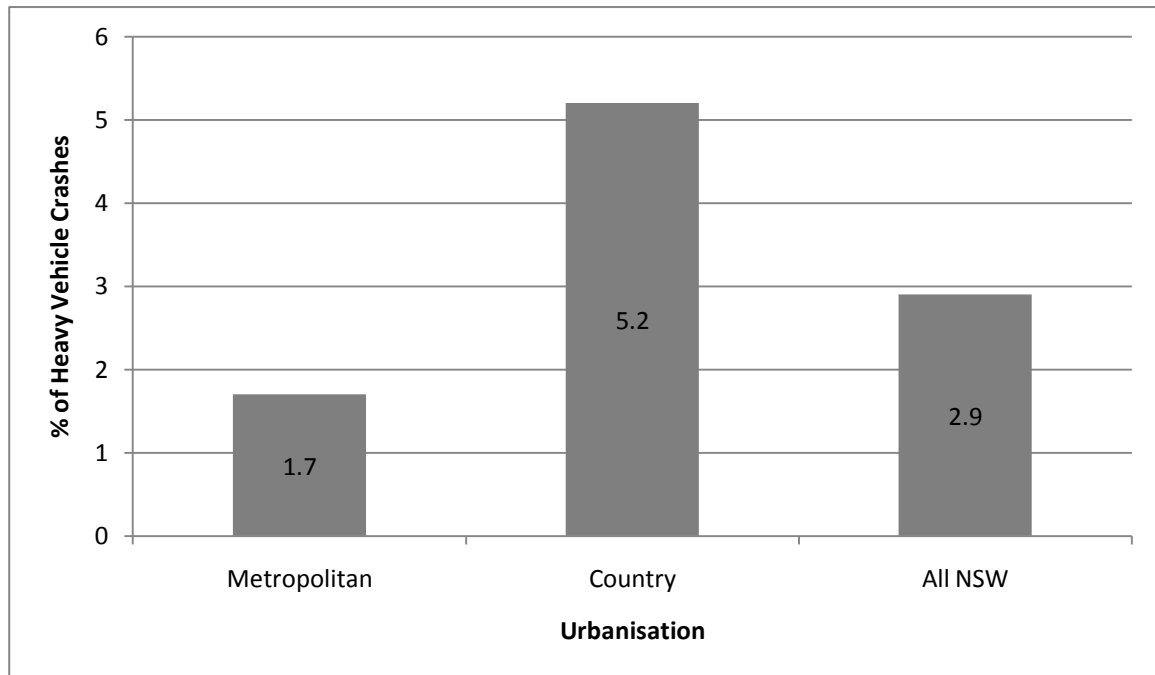
¹⁰ National Transport Commission, Speed Compliance of Heavy Vehicles: Final Proposal and Regulatory Impact Statement, October 2007, p.1.

¹¹ Submission 22, RTA, p.11.

¹² Ibid, p.13.

3.16 In examining crash location, around two-thirds of all heavy vehicle crashes occur in metropolitan areas, the majority in Sydney, Newcastle and Wollongong.¹³ However, 63% of fatal crashes in 2007 occurred on country roads, leading to the conclusion that a country crash is more likely to result in a fatality (1 in 20 recorded crashes) than a metropolitan crash involving a heavy vehicle (1 in 160 recorded crashes).¹⁴

DIAGRAM 3: CRASHES INVOLVING HEAVY VEHICLE DRIVERS, % OF CRASHES WHICH ARE FATAL, URBANISATION, 2007¹⁵



3.17 Comparisons between crash risk factors in metropolitan versus country areas in 2007, provided by the RTA,¹⁶ reveal the following:

TABLE 5: FACTORS CONTRIBUTING TO HEAVY VEHICLE CRASHES, URBANISATION, 2007

	Speed	Fatigue	Head On	Rollover
Country	25%	13%	13%	17%
Metropolitan	6%	4%	2%	2%

3.18 These figures suggest that aspects of country driving predispose drivers to certain risks at a greater rate than in metropolitan settings.

¹³ Ibid, p.16.

¹⁴ Ibid, p.17.

¹⁵ Ibid, p.18.

¹⁶ Ibid.

Heavy Vehicle Safety Research

3.19 The RTA has commissioned a series of research projects to elucidate the motivation for drivers engaging in risky behaviour and to devise possible interventions to modify such behaviour. One such study, carried out in 2005, revealed that:

- The highest risk groups for speeding were younger short haul, younger and older long haul heavy vehicle drivers;
- Twenty five percent of drivers experienced some pressure to speed to meet deadlines;
- The strongest motivator to discourage drivers from speeding was on-road police enforcement (71%);
- The majority of drivers (83%) stated they did not exceed the speed limit in built up areas. However, 51% of drivers agreed that, if the truck driver was experienced, it was acceptable to drive 'up to 10 km/h over the speed limit' on the open road; and
- A high proportion of drivers nominated loss of points and/or licence (87%) and the possibility of crashing (81%) as being very important consequences of not staying within speed limits.¹⁷

3.20 In 2006, a further RTA commissioned study to examine heavy vehicle driver fatigue factors and remedial measures found that:

- Long haul drivers were more likely to be at risk, and that long haul drivers of light trucks in particular had higher risk on some measures;
- While long haul drivers had a greater overall risk profile than short haul drivers, significant numbers of short haul drivers reported experiences related to fatigue. Sub-groups of both short and long haul drivers fell into the highest risk segment of drivers identified in the survey; and
- A significant minority of drivers in the survey reported that fatigue was more than a 'minor' problem for them. A large proportion of drivers, on the other hand, did not consider fatigue was a problem at all.¹⁸

3.21 The study concluded by recommending that education of drivers, companies, clients and the community, along with implementation of company policies and restrictions, should be directed at:

- raising the issue of driver fatigue among short haul drivers;
- changing the way that schedules and other systems are set up which oblige drivers to work long hours and drive without taking breaks; and
- encouraging drivers not to put themselves under pressure leading to unsafe practices.¹⁹

3.22 The Centre for Road Safety has implemented a range of education and behaviour modification programs in response to research findings. This is particularly evident in programs differentiating long and short haul drivers in the delivery of road safety initiatives at the regional level, targeting local priorities and regional audiences.²⁰

¹⁷ Ibid, p.20.

¹⁸ Ibid, p.21.

¹⁹ Ibid.

²⁰ RTA, Supplementary information, 18 June 2010.

- 3.23 The George Institute for International Health is also conducting significant research in the area of heavy vehicle safety risks. In its submission to the Inquiry, the Institute recognised that definitive research was urgently needed in identifying the direction, strength and interplay of risk factors involved in heavy vehicle crashes. This research is being carried out with ten partner organisations, over a period of three years in New South Wales, Western Australia and Queensland.
- 3.24 As the largest study of its kind undertaken in Australia, with a sample size of 1,200 drivers the study is, according to the Institute, using case control design and comparative data from drivers involved in crashes with those who have not crashed. Furthermore, the study is focussing on the issues of payment and scheduling, including breaks and driving hours, as well as vehicle characteristics such as the truck configuration and load. The study is examining these work-related factors and their potential interplay with driver related characteristics including fatigue and pre-existing health conditions like sleep apnoea, medications and substances used.²¹
- 3.25 According to the Institute: "The results will yield a comprehensive analysis of risk factors with suggested recommendations for addressing the unacceptable level of heavy vehicle crashes on our roads and improve the level of safety within the heavy vehicle industry."²²

Training Requirements

Underlying Rationale

- 3.26 Under the regulatory framework described in Chapter 2, heavy vehicle drivers are subject to a range of trip based reporting arrangements designed to minimise risks related to fatigue and substance abuse by monitoring driving hours and journey routes. Many submissions and witnesses appearing before Staysafe have criticised the overly prescriptive and repetitive nature of these requirements. There is also some confusion about the training provided to assist in meeting the reporting obligations conferred by the current legislative and regulatory arrangements.
- 3.27 As previously described, the NSW Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005 which came into effect on 1 March 2006, for the first time required employers, head carriers and large consignors and consignees to assess the risk of harm from fatigue. It also mandated that Driver Fatigue Management Plans be in place for drivers, while consignors and consignees with more than 200 employees had additional responsibility for ensuring they did not impose unreasonable deadlines for freight deliveries.
- 3.28 A Driver Fatigue Management Plan addresses the following elements: trip schedules and driver rosters; management practices (including systems for monitoring driver health and safety); work environment and amenities; training and information provided to drivers regarding fatigue; loading and unloading schedules; accidents; and mechanical failures.
- 3.29 In tandem with these requirements, the Transport Industry – Mutual Responsibility for Road Safety (State) Award and contract determination which came into effect on 6 November 2006, reinforced the policy shift evident in Occupational Health and Safety legislation, making transport operators legally responsible for ensuring work is carried

²¹ Submission 13, The George Institute, p.1.

²² Ibid, p.2.

out in a safe manner. An obligation under this arrangement was the requirement for drivers to undertake safety awareness training.

- 3.30 While Occupational Health and Safety legislation requires that employers provide training and information about fatigue management, WorkCover does not require that employees participate in a specific training program. The Award requires that all new and existing employees engaged by transport operators and any labour hire employees utilised by transport operators shall undertake a training program paid for by the transport operator.

Training Programs

- 3.31 One example of such training is the Bluecard Program conducted by a licensed training provider in conjunction with the transport operator. The Bluecard Program is a safety awareness program aligned to the Transport Industry National Competency Standard TDT F1 197B "Follow Occupational Health and Safety Procedures".²³

- 3.32 Another training program, supported by NatRoad, is TruckSafe. According to the NatRoad Chief Executive Officer:

TruckSafe is actually a safety accreditation program for the industry, borne by the industry through what was the Road Transport Forum but what is now called the Australian Trucking Association. It is a safety accreditation program; one of its key elements...is driver health and safety.²⁴

- 3.33 NatRoad considers that TruckSafe has a broader focus than Bluecard, is independently audited and, therefore, is its preferred accreditation program. The Transport Workers' Union, on the other hand, favours Bluecard training. The State Secretary of the TWU argues that:

The blue card identifies a driver by name and allows ready identification of workers who have undertaken essential industry training. The standards have been designed by a tripartite working group comprising industry representatives, the State and Federal governments and the Transport Workers' Union. It is benchmarked on the Transport Industry Training Package under the Australian Quality Training Framework.²⁵

- 3.34 The Transport Workers Union's National Secretary supports the need for properly accredited training in the following terms:

One of the things that everybody recognises in the industry is that there is a need for training. The distinct advantage of the blue card is it is an initiative that allowed and required people to actually give a form of training. I say this again in the case of Five Star Trucking, I think there is a need for substantially more training in the industry, but there has to be a capacity for clients to be paying for it. Training regulation, obligations, rights are very critical things in an industry that has such high death rates, such high serious injury rates. Blue card certainly does not answer those problems but I think the one strong tick I would give it is that it is a step in that direction but only the first step.²⁶

- 3.35 The growing realisation that heavy vehicle driver safety involves more than just individual driver behaviour, necessitating reform of current regulatory and policy frameworks at the State and national level, was clearly identified by the National Transport Commission as part of its 2006 review of Heavy Vehicle Driver Fatigue. The Commission stated that the current system is inadequate and that a new system

²³ NSW Industrial Relations Commission, Transport Industry – Mutual Responsibility for Road Safety (State) Contract Determination, Publication No. C5264, 29 December 2006.

²⁴ Transcript of Evidence, 17 May 2010, p.12.

²⁵ Ibid, p.39.

²⁶ Ibid, p.42.

should be based on principles of increased flexibility and increased operator responsibility to manage driver fatigue.

Model Legislation

- 3.36 In May 2008, after a process of extensive consultation with stakeholders, approval was given for the adoption of national model legislation for heavy vehicle driver fatigue and speed compliance. This included: provisions for the management of driver fatigue and speed compliance; longer and more frequent rest breaks, with longer driving hours and greater operational flexibility; and improved standardised accreditation requirements, including safety management.²⁷
- 3.37 The national model legislation was adopted through amendments to the Road Transport (General) Regulation 2005 which commenced on 29 September 2008.²⁸
- 3.38 A number of departures from the national model legislation (including an outer limit of 15 hours in 24 for drivers operating under the Advanced Fatigue Management option) were approved for NSW.
- 3.39 The Director of the Centre for Road Safety, explained the reason for this deviation as follows:

New South Wales, by virtue of our judgement and by virtue of our advice from experts in fatigue, adopted that model legislation with a number of variations. The most important of those is that the National Transport Commission regulations allowed 16 hours of driving as the outer maximum for advanced fatigue management. The advice we received from fatigue experts and indeed experts in heavy vehicle fatigue and driving, advise that they thought that was excessive so we adopted 15 hours as our maximum in New South Wales. Victoria also adopted 15 hours rather than the model 16 hours. That process of adjustment will continue with the new development that we now have of a national heavy vehicle regulator, so each of the jurisdictions will be contributing to processes and decisions as to how that national heavy vehicle regulator operates.²⁹

National Heavy Vehicle Accreditation Scheme Basic Fatigue Management and Advanced Fatigue Management Standards

- 3.40 The national model driver fatigue legislation provides for transitional arrangements in order to ensure that all drivers comply with basic training accreditation standards. These take the form of a Basic Fatigue Management (BFM) Scheme and an Advanced Fatigue Management (AFM) Scheme. Under these arrangements:
- operators and drivers registered in the current, transitional, fatigue management schemes have six months to convert to the BFM or AFM schemes and obtain a new accreditation; and
 - drivers who choose to work under the new Standard Hours scheme will be given 90 days to use up their current “log book” and replace it with the new format “work diary.”³⁰
- 3.41 Under the provisions of the Model Legislation, there are periodic medical requirements for heavy vehicle drivers nominated under the National Heavy Vehicle

²⁷ Submission 22, RTA, p.36.

²⁸ Ibid, p.37.

²⁹ Transcript of Evidence, 17 May 2010, p.2.

³⁰ Submission 22, Attachment A, RTA, p.10.

Accreditation Scheme (NHVAS) Basic and Advanced Fatigue Management (BFM/AFM) accreditation modules.

- 3.42 The operator must put in place a program to ensure drivers are in a fit state to perform work duties and also have required medical assessments. Employers and all parties in the supply chain also have duties to ensure that drivers are fit for work and drivers have similar obligations.
- 3.43 Under BFM/AFM accreditation, drivers must be certified as being fit to drive a heavy vehicle by a medical practitioner according to the “Assessing Fitness to Drive” standards established by Austroads (or equivalent document approved by the Australian Transport Council). The examination must include an assessment to detect drivers in the high-risk group for sleep disorders. Examinations are to be conducted, as a minimum, once every three years for drivers aged 49 or under, and yearly for drivers aged 50 or over.
- 3.44 The Director of the Centre for Road Safety detailed the operation of the schemes as follows:

There is the basic fatigue management and the advanced fatigue management. Those schemes operate by requiring the heavy vehicle operators to demonstrate various mechanisms by which they are managing fatigue and by virtue of demonstrating that they are able to get more variability around the hours they work. To give an idea of the outer limit, under standard hours 12 hours a day are allowed. If the company goes to advanced fatigue management, and demonstrates it has all the mechanisms in place for that as a company, under exceptional circumstances a driver would be able to drive for up to 15 hours a day. That is not repeated, that is a one-off, and there would be various things that a panel—that vets and adjudicates on whether that constitutes the appropriate mechanisms and management for advanced fatigue management—would determine as to whether it is appropriate for a driver to drive 15 hours on that day.³¹

- 3.45 In evidence received at its Sydney public hearing, Staysafe was alerted to the fact that the only AFM accredited providers in NSW currently are bus drivers. The Livestock and Bulk Carriers Association (LBCA) reported that:

We have advanced fatigue management where you do specific training, then basic fatigue management which is a level below it and then if you are in the standard system, it is almost like there is no fatigue management. There is no requirement to have any fatigue training if you do standard hours. I guess one of the problems we see with the current system is that for some reason we believe that people who operate under the standard driving hours do not need any fatigue training and that is an unfortunate perception. The LBCA is working with NatRoad and the Roads and Traffic Authority to take fatigue training into regional New South Wales. We are running industry-run workshops in September to try to get operators to focus on fatigue as an important issue, rather than just a regulatory regime.³²

Chain of Responsibility

- 3.46 A further strategy to assist in improving fatigue management is the notion of “chain of responsibility”, which involves all participants in the supply chain and has broad industry support.
- 3.47 The RTA submission explains the “chain of responsibility” as follows:

[Chain of responsibility] recognises that the actions, inactions and demands of off-the-road parties in the supply chain can have a huge impact on heavy vehicle safety. The

³¹ Transcript of Evidence, 17 May 2010, p.2.

³² *Ibid*, p.19.

laws create a level playing field for industry by making it more difficult for those operating outside the law to gain a competitive advantage.³³

- 3.48 Initially proposed by the Australian Transport Council (ATC) in 2000, the chain of responsibility imposes sanctions on operators and drivers responsible for committing offences relating to exceeding mass limits in the transportation of grain. This was based on the adverse impact of overloading on infrastructure damage and road safety. In May 2008, it was extended to compliance and enforcement of driver fatigue management and speed enforcement as part of the model legislation.³⁴
- 3.49 In the words of the Director of the Centre for Road Safety:
- The chain of responsibility legislation introduced relatively recently means that the other parties in the chain, that is the consignor, the receiver, can also be guilty of offences if they operate in a manner and apply pressure in a manner that encourages the heavy vehicle operator to break the law, and that applies in New South Wales in three areas. It applies to the weight of the load, it applies to management of fatigue and it applies to speeding.³⁵
- 3.50 The Manager of the Australian Trucking Association of NSW endorses the importance of chain of responsibility requirements, as follows:
- The chain of responsibility across the entire supply chain is paramount for the consistent delivery of enhanced safety. The risk regulation manages fatigue, hours of work, chain of responsibility, safe driving plans, drug and alcohol policies, and procedures, and it clearly defines parties within the chain of responsibility.³⁶
- 3.51 The Livestock and Bulk Carriers Association (LBCA), similarly stresses that "the chain of responsibility concept is the key factor in delivering better road safety outcomes."³⁷ The LBCA reiterates the importance of promoting the benefits of the concept and the need for consistent education and enforcement of obligations under road freight law.
- 3.52 Staysafe agrees that monitoring and enforcement of chain of responsibility obligations is obviously a crucial component in this process. The Chief Executive Officer of NatRoad highlighted this issue to the Committee, as follows:
- One of the challenges though, is that we can have all the best laws in the world in place but unless they are actually enforced, unless the resources are actually put in place in order to make them effective—the chain of responsibility is a very broad ranging topic because we are talking about numerous, different parties; I think there are 10 different named parties within the chain—then the laws can be fantastic but unless pursued they are not necessarily effective. I think if they are pursued and utilised to the extent that they are there then they could have the most significant impact on safety than anything else currently being done.³⁸
- 3.53 At the Sydney public hearing, the Director of the Centre for Road Safety announced that the RTA was "doubling the number of chain of responsibility investigators who can investigate these matters for heavy vehicle safety. I think that is a very good move that we are actually doubling the number of people we have examining that, in fact, very large area".³⁹

³³ Submission 22, RTA, p.27.

³⁴ Ibid, p. 28.

³⁵ Transcript of Evidence, 17 May 2010, p. 5.

³⁶ Ibid, p.33.

³⁷ Submission 15, LBCA, p.4.

³⁸ Transcript of Evidence, 17 May 2010, p.13.

³⁹ Ibid, p.6.

- 3.54 The number of such investigators will therefore be increased from five to ten. Their method of operation was described in the following terms:

It is very much not simply a random guess process. It is a process of targeting, based on the information we have. It is an intelligently targeted investigation program. A lot of that information actually comes from where we detect problems. If we regularly detect problems with overweight vehicles from that company or regularly detect fatigue breaches from that company, that is the kind of information we would use to target them for a chain of responsibility investigation...We would normally be detecting the trucking company on the road, but the trucking companies are typically associated with particular companies that they work for and so we would actually develop and examine that association spreading out from what we detect on the road, so it may be that we particularly detect—I do not want to use an example—when X company is carrying for Y retail company, and it is overloaded. That is the kind of information we would use to target that pairing in the chain of responsibility.⁴⁰

- 3.55 In May 2010, WorkCover NSW launched a preventive long haul trucking fatigue strategy to raise awareness of work, health and safety risks involving all parties in the transport sector supply chain. The strategy describes the responsibilities of employers, head carriers, consignors, consignees and drivers in meeting their regulatory obligations in relation to driver fatigue.⁴¹
- 3.56 The strategy also covers the requirements to be met in the preparation of Driver Fatigue Management Plans, including trip schedules and driver rosters, management practices, work environment and amenities, loading schedules, accident and mechanical failures and supervision. In addition, it deals with the monitor and review process and record keeping.

Driver Training Initiatives

- 3.57 In the course of its Inquiry, Staysafe inspected a range of heavy vehicle facilities in regional NSW. A list of locations and facilities inspected can be found at Appendix Three.
- 3.58 As part of its tour of inspections, Committee Members trialled a heavy vehicle driving simulator, an initiative provided through the TAFE NSW Western Institute. The rationale for the deployment of the simulator is based on an identified need to provide specialist training to meet anticipated growth and driver shortages in this sector, based on a projected doubling in the volumes of goods movements and an ageing population of existing drivers.
- 3.59 The simulator is part of a comprehensive training package to provide training to new drivers to support and enhance their initial training to become licensed drivers. It also provides refresher and advanced training for already licensed drivers.
- 3.60 According to the Western Institute, the objective of the project is to:
- ...supply a service to the road transport industry through the use of the simulator that allows for initial and refresher training to persons across the institute and increase the professionalism in the industry. This in turn will lead to higher skilled drivers and a reduction in accidents with the subsequent saving of lives. This will be achieved through encouraging drivers to make better decisions.⁴²

⁴⁰ Ibid.

⁴¹ WorkCover NSW, Driver Fatigue Management, 6 May 2010, p.6.

⁴² Correspondence, TAFE NSW Western Institute, 9 July 2010.

- 3.61 The simulator functions as a mobile unit, which can be deployed easily and flexibly throughout the State. Early results from preliminary trials indicate a reduction of 20% in the time taken to obtain a heavy vehicle licence and a 50% offer of employment in the industry after course completion.⁴³
- 3.62 Such simulators are also used overseas, to supplement driver training. In Europe, there is a requirement that all heavy vehicle drivers undergo at least 100 hours of refresher training every three years. Up to 80% of this time can be amassed in a simulator. Although not yet a requirement in Australia, this should be considered in order to increase driver competencies and assist in professional development.

Safety Compliance and Surveillance

- 3.63 Other tools to improve road safety and combat risky driving behaviour are vehicle compliance requirements and the enforcement of the road rules. The RTA's Compliance and Freight Strategy enables it to respond to issues across the national and State heavy vehicle environment, through a focus on road safety, asset protection, network access and freight efficiency.
- 3.64 Through its Compliance and Freight Strategy Branch, the RTA manages the development, pricing and delivery of vehicle identification and roadworthiness inspection programs including the Vehicle Identification Inspection Unit, Authorised Inspection Stations and the Heavy Vehicle Inspection Scheme.⁴⁴

Checking Stations

- 3.65 The Compliance and Enforcement Branch uses a combination of approaches to identify potential safety risks and take enforcement action against non-compliant vehicles and/or operators. Proprietary performance analysis software is used to screen and identify vehicles at heavy vehicle testing stations throughout the State. The following table captures data relating to heavy vehicle traffic through screening lanes during a four month reporting period in 2009:

TABLE 6: SCREENING LANE TRAFFIC (MARCH - MAY 2009 INCLUSIVE)⁴⁵

Screening Lane Outcome	Count	%
Bypass – No Interest	845,090	79.9
Bypassed – Vehicles of interest	177,090	16.8
Fail to enter	577	0.1
Intercepted and notice issued	6,665	0.6
Intercepted and released with no offence	27,810	2.6
Total	1,057,232	100.0

- 3.66 Automated screening lanes monitor vehicles for a range of potential violations, including vehicle mass and height compliance, speed, tailgating, registration and defect status, driver fatigue and compliance history. Surveillance from a variety of

⁴³ Ibid.

⁴⁴ Submission 22, RTA, p.22.

⁴⁵ RTA, Supplementary information, 18 June 2010.

sources, including vehicle testing stations, Safe-T-Cams, RTA inspectors, the transport industry and the general public lead to investigations to target recidivist offenders and activities and investigate parties in the chain of responsibility. This can lead to the prosecution of offenders.

Three Strikes Scheme

3.67 The RTA has provided a list of compliance initiatives to the Committee in its submission and in supplementary information requested at the Sydney public hearing. One such measure is the Three Strikes Scheme, under which vehicle registration is suspended for repeated excessive speeding offences and which aims to:

- Reduce the incidence of heavy vehicle speeding;
- Inform heavy vehicle operators that their vehicle has been detected travelling at excessive speeds;
- Encourage heavy vehicle operators to educate their drivers to comply with posted speed limits and/or the relevant speed limit for their vehicle; and
- Improve road safety for all road users.⁴⁶

3.68 The RTA has reported that a review of the Three Strikes Scheme is being completed and that a working group is resolving outstanding issues. A quality systems accreditation process will commence once policy and procedures have been finalised.⁴⁷

Safe-T-Cam

3.69 As outlined above, additional means to encourage greater compliance include the use of Safe-T-Cams, an automatic monitoring system with a network of digital cameras capable of reading the front number plate of heavy vehicles. The network of cameras was introduced in 1995 in response to two highway crashes involving tourist coaches in 1989.

3.70 Cameras are mounted on overhead gantries and bridges located on major routes at 27 locations throughout NSW. The Safe-T-Cam network monitors heavy vehicle travel times, verifies driver logbooks and detects vehicles that fail to enter checking stations for inspection.

3.71 Safe-T-Cam identifies vehicles that:

- Have travelled at excessive speed;
- Have travelled beyond prescribed driving hours;
- Have attempted to avoid detection by Safe-T-Cam; and
- Are unregistered.⁴⁸

3.72 In May 2009, the NSW Audit Office tabled a performance audit dealing with Heavy Vehicle Road Safety.⁴⁹ This report made a series of recommendations to improve heavy vehicle safety surveillance, increase RTA risk responsiveness and maximise the effective deployment of available resources.

⁴⁶ Submission 22, RTA, p.25.

⁴⁷ RTA, Supplementary information, 18 June 2010.

⁴⁸ Ibid.

⁴⁹ NSW Audit Office, Improving Road Safety – Heavy Vehicles, May 2009.

- 3.73 Several recommendations in the report concern the use made of Safe-T-Cam technology deployed by the RTA. These include their operational accuracy and other issues related to the comprehensiveness of their use and the adequacy of current risk assessment procedures. The NSW Legislative Assembly Public Accounts Committee is following up these recommendations with a view to ensuring that they have been taken up and implemented adequately.
- 3.74 An issue pursued at the Staysafe public hearing in Sydney with the Director of the Centre for Road Safety was about the practice of “shepherding” to evade camera detection. Dr Job described the practice as follows:
- I am aware of a practice which I believe is called shepherding, and that is the practice where heavy vehicles go through in multiples so close that only the front number plate is visible to the camera. The others are so close behind that they cannot be detected by the camera. I presume that is what you call shepherding. We are very much aware of it and it occasionally happens. However, there is not a great deal a safety camera per se can do about it. It is an offence for the vehicles to travel so close together, so an offence already exists in our legislation to handle that. It is a matter of it being observed at the time. So, the police can enforce that offence but cameras cannot enforce an offence.⁵⁰
- 3.75 The RTA conducted a review of the Safe-T-Cam system earlier this year to improve its operation and effectiveness. The Committee awaits the outcome of this review and trusts that it will improve surveillance and prevent the practice of “shepherding”, whereby vehicles trailing closely behind one another escape detection.

Speed Limiters

- 3.76 Another, vehicle based approach to reduce risks associated with speeding is the imposition of speed limiters, as provided for under the Road Transport Legislation (Speed Limiters) Amendment Bill 2005. Under this legislation, a heavy vehicle operator commits a speed limiter offence when travelling at more than 115 km/h. The penalty and loss of points is in addition to the fine and demerit points imposed on the driver for the speeding offence.
- 3.77 A criticism of speed limiter devices concerns the use by some operators of deactivation devices to switch the limiters off and on at will. The Director of the Centre for Road Safety, when asked about this practice, provided the following comments:
- We are very aware that a number of heavy vehicles have devices by which they can deactivate their maximum speed limiter. There are a couple of versions of those. In some cases, for example, you could change the gearing within the vehicle so that the vehicle believes it is doing 100 kilometres an hour because the engine is revving at a certain speed and it is in a certain gear. However, if that gear is at a different ratio, then the speed will be above that which the engine monitoring system understands it is doing. The other thing is an electronic device called the “whizzer”, which can be switched on and off. The difficulty is that that is a tiny object that could be planted almost anywhere on a very large truck, so to detect it at heavy vehicle checking stations would be very difficult. We have also found that one of the difficulties with checking it is that if the vehicle was pulled up several years ago by police and recorded an excessive speed, which would indicate the speed limiter was not on, a defect notice was then applied to that in addition to a fine for the speeding. But because it was a switch they could simply switch it back on, get the vehicle checked and prove it was not defective.

⁵⁰ Transcript of Evidence, 17 May 2010, p.3.

3.78 Dr Job continued:

Since then, to deal with that, we have introduced what is called a deeming provision, which means that if a heavy vehicle is caught doing 115 kilometres an hour or more on a piece of road where the slope of the road could not explain the speed, there is a fine to the driver for speeding and there is an automatic deemed penalty to the operator for having a vehicle that is not properly speed limited. The deeming means they cannot turn up with the vehicle with the limiter switched back on and say, "No, you are wrong." It is automatically the case that you are guilty of this offence because the vehicle was caught at 115 kilometres an hour or more, which means the speed limiter was not working at the time. You can go and play with it all you like, but that offence still applies.⁵¹

3.79 According to additional information provided by the RTA, the Centre for Road Safety is examining a number of measures to increase speed limiter enforcement, including:

- Reducing the speed at which a heavy vehicle is deemed to be fitted with a speed limiter that is functioning incorrectly from more than 115km/h to more than 110km/h;
- Allowing steeper gradient parameters of up to 2%, in line with Australian Design Rules 65 specifications, to significantly increase the number and spread of zones; and
- Reducing the enforcement length of speed limiter zones from 4km to a minimum length of 2km to significantly increase the number and location of zones.⁵²

Speed Surveillance Cameras

3.80 Fixed speed and point-to-point cameras are also used to curb speeding behaviour. The Fixed Speed Camera Program, introduced in NSW in 1997, was independently evaluated in 2005 and demonstrated reductions in crashes at camera locations of 90% for fatal crashes and 23% for injury crashes.⁵³

3.81 Point-to-point cameras work by measuring the average speed of a vehicle between two cameras and determining if that speed is greater than the average speed allowed for that particular length of road. According to the RTA, overseas evaluations of point-to-point enforcement have shown 50% reductions in fatal and serious injury crashes at locations where this technology has been installed. More recent research conducted by the RTA has found 63% of NSW driver support for the use of these cameras, based on its fairness in detecting deliberate, as opposed to inadvertent speeding.⁵⁴

Driver Fitness

3.82 Driver impairment may result from underlying medical conditions and/or the consumption of drugs, which may be prescribed or illicit. Research commissioned by the RTA showed that approximately 25% of all drivers killed in New South Wales in 1997 and 1998 had consumed drugs of some type (including prescription drugs). Further studies in 2003 found that 43% of drug users admitted to driving while affected by drugs.⁵⁵

⁵¹ Ibid, p.5.

⁵² RTA, Supplementary information, 18 June 2010.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Submission 22, RTA, p.28.

- 3.83 Heavy vehicle drivers are particularly susceptible to the use of stimulants to stay alert and combat fatigue. The passage of the 2006 Road Transport Legislation Amendment (Drug Testing) Bill allowed for the compulsory drug testing of any driver, motorcyclist or supervising licence holder involved in a fatal traffic crashes and also authorised the commencement of random roadside drug testing to detect the presence of certain illicit drugs.
- 3.84 In 2008, NSW Police conducted 30,424 roadside drug tests, with 658 positive results or one in every 46 drivers tested. Since testing began, 6,702 heavy vehicle drivers have been tested with 107, or 1 in every 62 heavy vehicle drivers tested, showing positive to one or more of the illicit drugs. The maximum court imposed fine for a first offence is \$1,100 for presence of an illicit drug with an automatic 12 months disqualification from driving. A first offence of driving under the influence (not simply presence) incurs a fine of up to \$2,000 or 9 months imprisonment, or both.⁵⁶
- 3.85 In addition to substance use, drivers may also be affected by a range of underlying medical conditions or injuries, predisposing them to additional safety risks. Legislative provisions require licensed drivers to notify the RTA of any long term injury or illness which may impair driving ability. A driver directed to produce a medical report because of a medical condition or advanced age must be certified as being fit to drive by a qualified medical practitioner. Such medical reviews may be required on a regular basis, depending on individual circumstances.
- 3.86 Heavy vehicle drivers are subject to a graduated license renewal system, necessitating periodic medical assessments based on age, commencing at ten year intervals until age 40 and reducing to five year intervals until age 60, at which time it becomes every two years. At age 70, annual checks are required. In addition, special medical review conditions apply to drivers with diabetes and epilepsy.
- 3.87 Under the National Vehicle Accreditation Scheme, described earlier in this Chapter, there are also periodic heavy vehicle medical requirements under the BFM/AFM modules. This applies particularly to drivers in a high-risk category for sleep disorders, who are more prone to be involved in crashes.
- 3.88 As part of its tour of inspections, Staysafe visited the Trans-Help Foundation, based at Wagga Wagga. Trans-Help is a not for profit trucking industry body established to provide counselling and crisis support to truck drivers and their families. Additional services include mediation, legal support, advocacy and health promotion. A mobile unit, commissioned in 2009, provides preliminary health checks and support to drivers at changeover bays, roadhouses and truck stops.
- 3.89 Trans-Help submits that underlying conditions such as depression, anxiety, hypertension and diabetes contribute to fatigue and safety risks. When these conditions are acute, they may exacerbate general fatigue and interfere with a driver's metabolism, already suffering due to irregular and long driving hours. The Foundation argues for greater direct support services such as help lines for drivers and their families.⁵⁷

⁵⁶ Ibid.

⁵⁷ Submission 27, Trans-Help Foundation, p.3.

Communication Strategies

Government Campaigns

- 3.90 Over the past decade, a number of media and marketing campaigns have been conducted by road safety authorities to alert drivers and the broader community to the risks associated with heavy vehicle road use. These include the 2003 heavy vehicle seat belt campaign and the 2004 heavy vehicle driver fatigue campaign. These campaigns have been funded by the RTA, with many delivered through RTA regional offices, and have also utilised radio, newspaper, magazine, poster advertisements, brochures, education kits and electronic newsletters.⁵⁸
- 3.91 The RTA's own assessment of the efficacy of its education and advertising awareness campaigns, based on focus group research conducted with truck drivers and industry representatives in 2007 revealed that:
- Relatively few heavy vehicle drivers had seen RTA brochures;
 - Many drivers demonstrated an inability to read and even made jokes about their own illiteracy. When they did read, they read magazines such as *Big Rig*, *Picture* and newspapers such as *Owner Driver*;
 - Heavy vehicle drivers communicated through the use of stories. In the current suite of brochures there are no stories and therefore an opportunity is lost to communicate effectively to the target group; and
 - Effective RTA communication should include 'more relevant' information, an empathetic rather than an authoritarian tone, shorter and more concise information and use of pictures and stories.⁵⁹
- 3.92 Additional focus group research conducted to assist with the introduction of the 2008 national heavy vehicle driver fatigue reforms indicated that:
- There was awareness about the heavy vehicle driver fatigue reform package but virtually nothing specific was known by drivers;
 - Information about the fatigue reforms was received with a strong degree of cynicism and concern. Many drivers took the view that it would provide owners with an opportunity to make drivers drive longer hours. As a result the motivation for the reforms was questioned. Drivers could not see how the reforms will benefit them personally;
 - Drivers recommended direct communication about the reform, either by letter or brochure;
 - The reasons for the reform need to be clearly and simply expressed and the benefits of the reform for heavy vehicle drivers emphasised. Chain of responsibility and enforcement messages were essential elements that needed to be included; and
 - The use of illustrations and stories using scenarios demonstrating how the reforms might benefit heavy vehicle drivers were recommended.⁶⁰
- 3.93 This research resulted in a specifically targeted campaign to highlight changes resulting from the new heavy vehicle driver fatigue legislation by way of a

⁵⁸ Submission 22, RTA, p.31.

⁵⁹ Ibid, p.22.

⁶⁰ Ibid, p.23.

communication and marketing plan and campaign implemented in late 2008. The communication strategy included press advertisements in industry magazines and newspapers, radio advertisements, outdoor billboards, workplace and convenience posters, brochures and fact sheets. A DVD about the key elements of the legislation was also developed in collaboration with the NTC and participating jurisdictions. The strategy included materials for the RTA website and development of an e-newsletter. A direct mail pack was also sent to operators with promotional material.⁶¹

- 3.94 More recently, the RTA has implemented education and behaviour modification programs which differentiate between long and short haul drivers. Long haul drivers have specifically been targeted through point-to-point education campaigns run at truck stops and in heavy vehicle media to highlight speed limiter legislation. Regional offices also target local priorities and relevant regional populations. According to the RTA, most of its educational activities and communication strategies are based on evidence identifying high crash risk factors and are tailored accordingly.⁶²
- 3.95 WorkCover NSW has also conducted industry seminars and presentations to educate all parties about changes to driver fatigue regulations and associated reporting obligations. The General Manager, Occupational Health & Safety of WorkCover described these activities in the following terms:

Guidance material was developed with both the unions and industry associations and employer groups outlining the roles and responsibilities of employers, head contractors, consignors, consignees, and drivers. Facts sheets were also provided to provide easy information for the industry. WorkCover has a grants system and that grants system provided a grant to the NSW Road and Transport Association and also the Transport Workers' Union for education initiatives to support effective implementation of the regulation.⁶³

Industry Initiatives

- 3.96 The National Road Transport Operators Association, NatRoad, representing 1,300 member companies from owner drivers to large logistics providers and grain carriers also provides industry education related to safety and compliance. The NatRoad Chief Executive Officer told the Committee that although that the primary source of information was from the Government through the RTA, NatRoad also plays an active role. He elaborated further:

...we attempt to reach out through open public forums, we hold quite regular open public forums and so does the Government, in relation to education on particular subject materials such as the driver fatigue laws. There is also some quite well-read industry trade press, so in terms of getting messages out to some of those, that could be useful. But it is a difficult task. The reality is you are talking about a very broad industry, many of whom do not see themselves as participating particularly in the trucking industry. They see themselves as being a farmer or being something else. Therefore getting the messages out, education in relation to road safety and in relation to road law and other laws which impact on the trucking industry is quite a challenge.⁶⁴

- 3.97 Staysafe supports industry involvement in education and information activities to provide assistance to drivers and all supply chain participants in this rapidly changing transport safety environment.

⁶¹ Ibid, p.31.

⁶² RTA, Supplementary information, 18 June 2010.

⁶³ Transcript of Evidence, 17 May 2010, p.23.

⁶⁴ Ibid, p.14.

Chapter Four - Road Infrastructure and Heavy Vehicle Design

- 4.1 Road infrastructure and maintenance, the provision of rest stops and the design and road worthiness of heavy vehicles are significant factors impacting on heavy vehicle safety. Staysafe has received evidence from private trucking operators and the transport industry about problems associated with the condition of major roads and the lack of rest stops for long haul drivers in NSW. The design of vehicles has also been implicated in crash and injury severity and referred to in submissions and other evidence received by the Committee as part of its Inquiry.

Road Condition

- 4.2 At its Sydney public hearing, Staysafe raised the question of the safety and adequacy of existing road infrastructure with the RTA. The Director of the Centre for Road Safety outlined the funding allocation arrangements for road infrastructure in the following terms:

...broadly there are two distinct categories of the way the funds are allocated. Funds are allocated for large-scale improvement of roads, for example, the duplication of the Pacific Highway, and that is typically matched or more than matched by funds from the State Government. Those ones are run by the area of the Roads and Traffic Authority called major infrastructure development, and there is a separate set of funds for what we typically call black spot treatments. Those are the ones in which we are much more involved. Those are the ones where the money is allocated for specific safety improvements in known crash locations. So, it is only in that latter group that the Centre for Road Safety is heavily involved... The black spot money is allocated for known crash locations. The other money is allocated much more broadly for improvement to major freight and heavy usage parts of the national network.¹

- 4.3 The NSW Farmers Association expressed concern about the adequacy of current funding for road infrastructure and its impact on heavy vehicle safety. The Association's Policy Manager told the Committee:

Nationally, eight in every 10 kilometres of roads are local and only about 20 per cent of total road funding is council money for local roads. Almost seven of every 10 kilometres of local roads are rural, and rural local roads get about one-third of total local road maintenance and upgrade funding. These figures are from the Fraser report in March 2010. Road funding is usually based on population numbers but that must change as increasingly efficient agricultural industries mean fewer regional residents. While the Government is making policy which is population based, food security for urban dwellers obviously remains important, and an adequate supply chain infrastructure needs to be in place in order to get agricultural produce to market.²

- 4.4 From the vantage point of individual heavy vehicle operators, there is some frustration at the lack of responsiveness by the RTA and local councils to reports of unsafe road surfaces. At its Dubbo public hearing, one such operator told Staysafe that he had personally audited dangerous surface spots on the Pacific Highway, as follows:

¹ Transcript of Evidence, 17 May 2010, p.3.

² Ibid, p. 28.

When I did a trip on the Pacific Highway, I wrote a list of every site that was available. I sent that list to the RTA. I offered for them to do a trip in the truck and to coordinate that. I then said, "Here is my issue in this section of road and here is this tiny bit of dirt, which is no good to us." I just simply could not get anyone to do it. I have offered that opportunity a number of times since.³

- 4.5 In further responses to questions from the Committee, Mr Hannifey detailed the capability of a purpose designed technology system used in his truck to record such data.

... the capability on this truck now records it. At the moment, because it was the first truck in the world it was all done manually. So where I know the bumps are I was recording and that data has been captured virtually from Brisbane to Melbourne, to Rockhampton and to a number of other places, and we have all that data available. The new system when it comes up will be on line and the truck will be recording all the time. When it finds a bump above a set parameter it will backtrack, save that information, send that automatically by GPS to the people who have designed the system...information will be available to road authorities. We believe if they pay for that, and we do those small repairs faster that we will make the roads a safer place.⁴

- 4.6 As part of the Inquiry, Staysafe inspected heavy vehicle testing stations and associated facilities along the Newell Highway. Discussions were also held with a range of transport operators and local councils in adjoining areas, who raised safety issues relating to the condition of roads in the region. Sutherland Transport and the Tumut Shire Council expressed concerns about the state of local roads, referring specifically to the Gocup Road, recently gazetted as a State road by the Roads Minister, and the long term subject of safety issues due to steep gradients and lack of overtaking lanes.⁵

- 4.7 Heavy vehicle traffic loads contribute to wear and tear on the roads and operators are unduly affected by existing substandard road surfaces. This was discussed by the Truckright representative at the Staysafe public hearing in Dubbo.

If the road is as smooth as this table, we just travel along the road and we do not do any damage to it. If the road has a failure in it, we hit that impact. It impacts into the truck and increases wear and tear and possible mechanical failure—and some of those impacts are bloody savage—and then it impacts into me as the driver and then it impacts back into the road. It is that impact back into the road that does the damage. We should not be blamed nor charged for that because the road should be built up to a standard and not down to a cost.⁶

- 4.8 Staysafe supports the commissioning of a purpose designed tracking system to monitor road conditions on heavily trafficked roads in order to improve maintenance scheduling and to provide greater assurances about road suitability for heavy vehicle operators.

Rest Areas

- 4.9 As detailed in Chapter 3, fatigue is a significant workplace safety issue for heavy vehicle drivers and presents a safety risk to drivers and all road users alike. The

³ Transcript of Evidence, 24 May 2010, p.4.

⁴ Ibid, p.6.

⁵ NSW budget may hold Gocup Road upgrade, Daily Advertiser, 5 June 2010, Accessed 29 July 2010 at www.dailyadvertiser.com.au/news/local/news/general/nsw-budget-may-hold-gocup-road-upgrade/1850342.aspx.

⁶ Transcript of Evidence, 24 May 2010, p.5.

provision of rest stops is a key factor in any strategy to prevent and manage driver fatigue. Rest areas provide opportunities for driver recovery on long and short hauls, for checking vehicle loads and enable drivers to wash and use toilet facilities along the route.

- 4.10 The NSW Government has acknowledged the importance of providing suitable rest stops for heavy vehicle drivers. In its recently published rest area strategy,⁷ the RTA states that in order to satisfy the legislative and regulatory requirements for fatigue management, suitably positioned and equipped rest areas should be constructed along key freight routes.
- 4.11 In 2005, the National Transport Commission released its Guidelines for the provision of Rest Area Facilities, which were adopted as a basis for use in NSW. An Austroads audit of existing rest areas was conducted in 2008.⁸ The audit revealed that NSW is deficient in the provision of adequate rest areas on its freight routes, both in terms of frequency and the provision of rest opportunities. This is a theme reinforced in submissions and evidence provided to Staysafe.
- 4.12 The heavy vehicle driver fatigue laws implemented in September 2008 provide increased impetus for the management and enforcement of strategies to mitigate the impacts of driver fatigue by the provision of rest facilities on major transport routes.
- 4.13 The current shortage of facilities has been highlighted at the Sydney and Dubbo hearings by many witnesses, including the Manager of the Australian Trucking Association of NSW, as follows:
- The lack of adequate and appropriate truck rest areas across the State is an extremely serious problem and should be treated with the highest priority. Suitable truck areas will deliver safety for our drivers. The Austroads audit of rest areas showed that New South Wales was greatly lacking in truck rest areas. Further, the great majority of truck rest areas that exist do not meet the national standard. Many do not have drinking water or toilet facilities...New South Wales government agencies must be serious about delivering safety for our drivers and the general community. No-one wants to be driving on road—busy or otherwise—with a driver who is fatigued. In order to fulfil the requirements within the fatigue regulation there must be an immediate concentration on rest areas that will allow heavy vehicle drivers to take their mandatory rest breaks, not only for safety but also to enforce companies within the entire supply chain to be compliant with the change of responsibility laws.⁹
- 4.14 The submission from Truckright highlights the problem from an owner/operator's point of view: "On major routes there is simply not enough rest areas, toilets, shade and suitable separation for those with frig vans and or stock crates for them (who need their sleep as well) to be able to park and yet not disturb other truckies already sleeping... Good meals and places to have them, clean showers and toilets, or areas to get a decent uninterrupted sleep are few and far between on the road and in cities are being further restricted by local councils and by laws restricting people from parking trucks even on their own property, leading to some local truckies leaving trucks and or trailers at truckstops, allowing less room for interstate drivers who may have no where else to go."¹⁰

⁷ Roads and Traffic Authority, Strategy for Major Heavy Vehicle Rest Areas on Key Rural Freight Routes in NSW, January 2010.

⁸ Austroads Technical Report T95/08, Audit of Rest Areas against National Guidelines, 2008.

⁹ Transcript of Evidence, 17 May 2010, p.32.

¹⁰ Submission 6, Truckright. p.4.

4.15 The issue relating to access to local council facilities and their availability for use by heavy vehicle drivers was also raised by the Chief Executive Officer of NatRoad, who expanded on this at the Committee's Sydney hearing:

One of the big concerns from our members—which are the trucking businesses, but obviously they employ drivers who, at the end of the day, utilise the facilities—is the facilities on the side of the road. Whether it be at a rest area or at private facilities, the lack of amenities is a huge issue for the trucking industry. Few public toilets are available for truck drivers to utilise. By and large, the trucking industry, particularly truck drivers, is being forced out of town more and more. Many towns do not want trucks parked in their towns anymore. Road Rule 200 effectively prohibits heavy vehicles from parking in built-up areas for greater than an hour. Heavy vehicle drivers usually are unable to access town facilities and, therefore, are required to stop either at a private site or a public site. More often than not, particularly at public heavy vehicle rest areas, there simply are no facilities to go to the toilet, have a shower, get water or cook a meal. By far and away the majority of sites currently available today are just simply flat asphalt or dirt areas with a little bit of shade on occasions.¹¹

4.16 According to NatRoad, "truck park facilities are not usually high on the priority of local government issues... It is very difficult for industry to lobby to have those facilities put in place when, by and large, unfortunately, many people just do not want them in their local areas."¹²

4.17 This is a question which should be explored in greater depth in discussions between the trucking industry, the RTA and the Local Government and Shires Association of NSW. Staysafe considers that the RTA should take a lead role in such discussions. Strategies should also be developed to encourage key towns along major highways to assist in providing new infrastructure and allow access to existing facilities for truck drivers.

4.18 There are several issues to be considered in the design and location of such rest stops to ensure their suitability and appropriateness. These include the number of sealed truck parking spaces, toilet and shower facilities, food and refreshment facilities, suitable access (ingress and egress lanes and ramps), signage, shade and length of parking time available.

4.19 The Australian Trucking Association (NSW) has provided a list of major design and siting requirements for the establishment and enhancement of rest areas, as follows:

- Adequate size considering the number of heavy vehicles that use any given road and the number of Heavy Vehicles requiring rest simultaneously. It would be pointless to establish a rest area for only 4 or 5 heavy vehicles on a busy highway. If a truck pulls up to a full rest area and there is no 'reasonable steps defense' in the fatigue regulation, then they have no choice but to pull up on the side of the road/highway and take their mandatory rest breaks. We have recently seen an example of a truck not being able to fit into a rest area on the Pacific Highway and was located half on the shoulder section of the road and was hit by a car which resulted in a fatality.
- All truck rest areas should have toilets and fresh drinking water facilities.
- Easy access from the road with a shoulder exit lane so that trucks are not turning across and impeding traffic. In areas of heavy traffic e.g. Hume, Pacific and

¹¹ Transcript of Evidence, 17 May 2010, p.10.

¹² Ibid, p.11.

Princes Highways, truck rest areas should be duplicated on both sides of the road.

- The truck rest areas are specifically for rest and drivers should be shielded where possible from excessive traffic noise.
- Well signposted indicating the upcoming rest area for drivers to be prepared and articulate the preparation to enter the rest area. For example 'truck rest area 30 kilometres ahead'.¹³

4.20 As part of the rural freight routes rest area strategy referred to earlier, the RTA is identifying and providing major heavy vehicle rest areas every 100km along key freight routes. This will be achieved by a series of upgrades, new constructions, or enhancing sites adjacent to service stations. The RTA, as part of joint Federal/State funding initiative under the Heavy Vehicle Safety and Productivity Program (HVSP), has commenced a series of rest stop upgrades. An initial investment of \$16 million for 2009-10 is being used to construct six new and to upgrade 33 existing rest areas.

4.21 While discussing the operation of this initiative, the Director of the Centre for Road Safety made the following observations:

I think we should think about rest opportunities. I do not think governments should be in the business of duplicating existing commercially operated rest opportunities. There are a large number of commercially operated resting places, which heavy vehicles can stop at that are run by Caltex, Mobil, Shell or whoever. That is a genuine rest opportunity. Just because there is not a rest area in that vicinity does not mean we should put one in. There is a rest opportunity, which exists commercially. I think when we look at strategising this and when we look at what we need to do, we should not only think about formal rest areas; we should think about what other rest opportunities exist for the truck drivers.

4.22 In the Committee's view, the use of commercially operated refuelling facilities as rest stops, while able to meet basic criteria, should not be considered as a substitute for properly designed and purpose built facilities for heavy vehicle drivers in all circumstances. Well located and technically appointed rest areas meet a legislative requirement to ensure that drivers adhere to safe driving plans and do not put themselves or other road users at increased risk due to driver fatigue.

4.23 In additional information provided to Staysafe in response to questions asked at the hearing, on 25 March 2010 the RTA announced a further \$19.5 million of additional funding under the HVSP for 2010-11 and 2011-12. This will take the total amount to \$35.5 million for new construction and upgrades and will include "10 new rest areas on the Newell, Princes, Barrier and Sturt Highways, 42 rest area upgrades on the F5, Hume, Newell, Sturt, Great Western, Mitchell and Princes Highways and bridge pre-construction work including one bridge strengthening work on the Golden Highway...enabling delivery of approximately 50% of the rest areas in the RTA Strategy."¹⁴

4.24 There remain concerns about the extent to which current funding will meet the needs of the industry to ensure adequate driver fatigue management. In the words of the NatRoad Chief Executive Officer:

The broader issue though is the reality that \$8 million matched by the New South Wales Government does not go a long way, particularly when you are talking about areas that are away from town facilities. Therefore, putting in facilities, making them tamperproof,

¹³ Submission 23, ATA, p.4.

¹⁴ RTA, Supplementary information, 18 June 2010.

providing proper shady areas, toilets, showers and all of that comes at quite a lot of cost. Unfortunately, that money does not go anywhere near enough. By and large, the Government actually is doing a good job with a little amount of money. We would like to see a lot more money come in to play to build proper facilities around State.¹⁵

4.25 NatRoad reinforced its message at the Sydney hearing:

As an industry we are happy to pay our way in relation to roads and rest areas. We do so through vehicle registration charges and the excise we pay to the Commonwealth Government. However, the reality is that there is fantastic money going to some great highways—the Hume Highway, the Pacific Highway and little bits and pieces around the Sydney region—but that same quantum of money is not going into heavy vehicle rest areas. We are very passionate about that. We would like to see more of them and of better quality. It is a necessary tool for heavy vehicle drivers to be able to comply with the law and for them to be able to have appropriate rest opportunities. Providing appropriate facilities goes with that. As I said, unfortunately, the reality is that the quantum of money just does not go anywhere near it... We realise that what we are talking about, just in these key routes, is an extraordinarily large sum of money—more than 10 times what is currently on the table.¹⁶

4.26 In addition to the rest area program, the RTA has also instigated what is termed the blue reflector scheme. This involves the marking of informal heavy vehicle stopping areas and giving advance warning of the location of these areas to enable drivers to slow down in anticipation of stopping and thus reducing the risk of rear-end collisions. "Circular blue reflectors mounted on road side guide posts in rural areas are used as a simple, effective, minimal cost way of giving drivers of heavy vehicles advance notice that they are approaching an appropriate informal heavy vehicle stopping area."¹⁷

4.27 The Director of the Centre for Road Safety described the scheme as follows:

...in a number of locations in the State, in fact quite a large number, we have what is called the blue reflector scheme. That is a scheme of more informal rest areas but the trucking industry is very keen on these, they are very happy with these. They exist as a scheme where we previously had a stockpile of gravel or something so we had a nice flat, hard space area. Rather than put up a great big sign saying, "Rest Area", which means people in caravans and light vehicles get in there, it is actually virtually exclusively used by heavy vehicles because they understand the scheme of signals where on the signal posts on the sides of the roads leading up to them, there are one, two or three blue reflectors indicating one of these informal rest opportunities is coming up. There are quite a few of those around the State in addition to the formal rest areas.¹⁸

4.28 Staysafe observed the operation of the scheme as part of the tour of inspections along the Newell Highway and endorses its usefulness as an adjunct to the provision of fully constructed rest areas. These informal rest opportunities have been welcomed by drivers and should be extended, as appropriate, in more locations to assist in overall fatigue management. Victoria is considering using green reflectors, to differentiate between water points for fire fighting purposes (which would use blue reflectors) and informal rest areas. The Committee understands that the RTA is currently in discussions with VicRoads with a view to standardising the colour used to mark these areas across State boundaries.

¹⁵ Transcript of Evidence, 17 May 2010, p.10

¹⁶ Ibid, pp11-14.

¹⁷ Submission 22, Attachment A, RTA, p.8.

¹⁸ Transcript of Evidence, 17 May 2010, p.7.

Vehicle Roadworthiness

- 4.29 A range of risk and intelligence based enforcement measures are employed to ensure that vehicles meet set standards and owners and drivers are prosecuted for non-compliance. In addition to checks of heavy vehicles as part of normal police road patrol and surveillance activities, the RTA conducts a range of compliance monitoring in and around heavy vehicle testing stations. The Committee inspected a range of such facilities along the Newell Highway and at Tarcutta.
- 4.30 As discussed in Chapter 3, the RTA's Compliance and Enforcement Branch uses "software such as Truckscan and the Heavy Vehicle Rating System (HVRS) to record the compliance history of vehicles and/or know about its potential safety risks... to target the vehicle and/or the operator of the vehicle. The compliance history of a vehicle can be recorded on the software either automatically (when the vehicle transits through surveillance infrastructure such as screening lanes or weigh in motion devices), or manually (such as when an RTA inspector intercepts a vehicle and finds defects, or when the RTA makes a record of certain vehicles after a complaint from a member of the public)."¹⁹
- 4.31 Compliance and enforcement activities undertaken by the RTA include mobile enforcement carried out by inspection patrols, fixed inspection sites which can change location, permanent inspection stations, camera surveillance, screening lanes, enforcement investigations and prosecutions.
- 4.32 Additionally, the RTA has conducted triennial heavy vehicle compliance surveys since 1992. These surveys are designed to:
- audit and monitor the roadworthiness of heavy vehicles across time;
 - provide data to inform the development of targeted enforcement and other activities to improve the roadworthiness of heavy vehicles; and
 - evaluate the effectiveness of the strategies implemented to reduce the incidence of un-roadworthy vehicles using NSW roads.²⁰
- 4.33 A total of 1,605 heavy vehicles were randomly selected and inspected under RTA Inspector Vehicle Regulations (IVRs) for the 2009 Compliance Survey, which revealed the following:
- The rate of major defects in heavy vehicle hauling units (i.e. not including trailers) has increased from 3.9% in 2006 to 4.6% in 2009, although this increase of 0.7% was not statistically significant.
 - The rate of minor defects in hauling units decreased significantly from 44.5% in 2006 to 39.9% in 2009 representing a 4.6% decrease.
 - Brakes continue to be the main area of major defects, with 4.3% of vehicles (including trailers) having at least one major brake defect in 2009. This is an increase of 0.7% from 3.6% in 2006.
 - The other main types of major defects were:
 - Lights, reflectors, battery, horn, mirrors and number plates (1.4%);
 - Suspension (1.4%);
 - Tyres, rims and hubs (1.0%);

¹⁹ RTA, Supplementary information, 18 June 2010.

²⁰ NSW Roads and Traffic Authority, Heavy Vehicle Compliance Survey 2009, p.6.

- Chassis, body, structure, windscreen and windows (0.8%); and
 - Exhaust, engine, driveline and fuel system (0.8%).²¹
- 4.34 As previously discussed in Chapter 3, compliance and enforcement activities are also linked to the chain of responsibility legislative requirements and include work environment and amenities, loading schedules, accident and mechanical failures. It also applies to extended liability for mass, dimension and load restraint offences to prescribed parties including consignors, packers, loaders or consignees of goods as well as drivers and operators of vehicles.²²
- 4.35 In the words of the Director of the Centre for Road Safety:
... there is an audit trail monitoring system, which monitors the chain of responsibility for all the players in it, from the consignor to the receiver, including the heavy vehicle operator, the driver, et cetera. That is done by auditing the record of companies. In addition there is on-road enforcement. So the Roads and Traffic Authority has about 300 IVRs and they are out on the road at heavy vehicle checking stations, or at mobile checking stations that can be moved around.²³
- 4.36 One of the measures to improve heavy vehicle safety is an incentive scheme for better practice to complement and enhance the chain of responsibility obligations. The RTA is examining the establishment of a "five star scheme", which was described in the following terms:
What we are considering is: can we, in collaboration with industry, develop a set of measures against which we could judge trucking companies, and judge them to have five-star safety or four-star safety, et cetera. Then the trucking companies could potentially use a five-star rating as a marketing tool, by saying, "We are a five-star company. You should give us the business rather than someone else." In that way there is a commercial advantage and a commercial incentive to the companies to demonstrate they are operating very effectively in terms of safety.²⁴
- 4.37 Staysafe supports the implementation of strategies to encourage and support better practice and to reward good safety performance in the industry. Initiatives such as the five star scheme will assist in this regard and should further strengthen compliance and collaboration between partners in the chain of responsibility to deliver better outcomes.

Vehicle Design

- 4.38 As detailed earlier in this Report, heavy vehicles are overrepresented in serious injury and fatal crashes. According to the NSW Injury Risk Management Research Centre (IRMRC) at the University of New South Wales, incompatible and aggressive design are significant factors in determining crash severity. The IRMRC suggests that frontal crash severity is exacerbated by bad truck geometry combined with significant differences in mass at impact. This is not reflected in vehicle design, and the IRMRC stresses this point in its submission.

With respect to truck into car crashes the techniques used for designing car occupant crashworthy systems are not filtering through to designers of heavy vehicles. Whilst mass is an issue for frontal impacts with respect to survivability in crashes it is less of

²¹ Ibid, p.1.

²² Submission22, Attachment A, RTA, p.5.

²³ Transcript of Evidence, 17 May 2010, p.2.

²⁴ Ibid, p.6.

an issue in other crash modes such as under-run crashes and cyclist pedestrian impacts as a result of turning. Often good vehicle geometry and energy absorbing interfaces are overlooked in developing a heavy vehicle that is crash compatible with the average car fleet and vulnerable road users... in a large number of cases incompatible heavy vehicle geometry and high stiffness characteristics has often led to an unnecessary fatality.²⁵

4.39 The IRMRC also refers to the dangers to other road users posed by heavy vehicle front mounted bull bars and the lack of legislation to mandate side skirting protection to prevent under-run into the side of trucks. Under-run protection systems have been legislated in the European Community, USA and Brazil, while a design rule requiring trucks to carry rear energy absorbing under-run protection systems has not yet been introduced in Australia.

4.40 The RTA takes part in consultative forums with representatives from industry and consumer groups to develop heavy vehicle design standards for vehicle safety as part of the Australian Design Rules (ADR) process. In its submission, the RTA describes its activities in this area.

The RTA, through its involvement on national committees, participates in developing new and existing ADRs. Current ADR initiatives include the introduction of improved cabin strength and front underrun protection for heavy vehicles... The National Transport Commission (NTC) has been promoting the introduction of Performance Based Standards (PBS) to provide a different approach to vehicle regulation. This is intended to promote both safety and higher productivity through innovative vehicle design. PBS is designed to focus on how the vehicle behaves on the road and how it conforms to a set of safety and infrastructure protection standards, rather than focusing on its length and mass. The RTA...has participated in engineering and technology innovations designed to build heavy vehicles which comply with standards for vehicle stability, rollover risk, the ability to turn in traffic within a safe envelope and manage tail swing.²⁶

4.41 In evidence provided to Staysafe, the Director of the Centre for Road Safety discussed vehicle design developments in response to questions from Committee Members:

First, adding a large bull bar out in front changes the dynamics of the way in which that vehicle interacts with any other vehicle. However, technology exists that will improve it. It is not really changing the rigidity as much as it is changing the point of interaction. There are things called underarm guards. Basically, an underarm guard stops a light vehicle from going under the vehicle, so the point of interaction with the heavy vehicle is with all the crash protection in the front of the light vehicle rather than that going under the heavy vehicle. Those underarm guards will have significant benefits not only for front impact crashes but also for side and rear impact crashes. Their impact is very obvious in a rear crash. Imagine a vehicle going under a tabletop truck. That tabletop is almost head to chest height for an occupant of a typical passenger vehicle. If you add an underarm guard it means that you do not reach that point of interaction with the light vehicle. There is technology out there that will improve these things.²⁷

4.42 Staysafe supports the drafting of design rules which will require heavy vehicles to conform to more stringent safety design parameters to minimise the severity of crash impact on other vehicles and vulnerable road users. This includes a redesign of

²⁵ Submission 18, IRMRC, p.2.

²⁶ Submission 22, RTA, pp.28-29.

²⁷ Transcript of Evidence, 17 May 2010, p.8.

existing bull bar conditions and the compulsory installation of rear energy absorbing under-run protection devices.

Intelligent Systems

- 4.43 Recent advances in information technology, data transmission and storage provide further opportunities to improve vehicle safety, both from a driver and trucking fleet perspective. Vehicle telematics, or the integrated use of telecommunications and information technology in vehicles, includes instruments such as emergency warning systems, global positioning system (GPS) navigation technology, integrated hands-free mobile phones, wireless safety communication and automatic driving assistance systems.
- 4.44 In the road transport industry, vehicle telematics can be a powerful and valuable tool to improve the efficiency, effectiveness, security and safety of vehicles, drivers and transport companies. Electronic vehicle monitoring enables remote tracking of compliance with regulatory obligations concerning speed, routes taken, driving hours and rest stops. Additional benefits include security monitoring for vehicle and consignment theft and optimising operational performance such as engine running, fuel consumption and temperature control.
- 4.45 The Truck Industry Council (TIC), Australia's peak truck manufacturing industry group, has as its first objective the "introduction of products and services to the market place that ensures an innovative, safe, environmentally friendly truck industry in Australia".²⁸ According to the Council, a range of electronic and mechanical engineering developments have achieved significant advances in truck safety. These include: anti-lock braking systems; electronic braking systems; electronic stability control; adaptive cruise control; and lane assist.
- 4.46 While the take-up of such technologies is contingent on the philosophy and commitment to safety on the part of the individual company or vehicle operator, discussions are taking place to make it mandatory under Australian Design Rules for all trucks greater than 3 tonnes to be fitted with anti-lock brakes. This trend will be assisted by progressive requirements for trucks to meet increasingly stringent emission control requirements.
- 4.47 In response to the rapid evolution of intelligent systems to assist in vehicular safety management, Federal and State Governments have established a national organisation, Transport Certification Australia (TCA). The role of TCA is to oversee the implementation of Australia's Intelligent Access Program (IAP), which "represents a new innovative way for managing heavy vehicle access to the Australian road network, offering to transport operators improved access arrangements and providing road authorities and local governments with assurance that the operators are adhering to these arrangements".²⁹
- 4.48 According to the submission from TCA: "The IAP provides a unique national framework comprising regulatory, contractual and operational elements for monitoring heavy vehicle activity and generating evidentiary level reports in relation to non-compliant activity."³⁰

²⁸ Truck Industry Council Mission/Objectives, accessed 11 August 2010 at www.truck-industry-council.org/aboutTIC.htm.

²⁹ Submission 11, TCA, p.1.

³⁰ Ibid.

- 4.49 As part of its activities, TCA is also developing specifications for electronic heavy vehicle fatigue and speed monitoring, which will be used to verify electronic work diaries. The data gathered in this process will assist transport operators to manage their chain of responsibility obligations.
- 4.50 The Director of the Centre for Road Safety made reference to this development in his evidence to the Inquiry:
- ...we will be conducting a trial of electronic work diaries. I know that there have been a number of concerns expressed that the work diaries are a difficult mechanism for enforcement. We hear stories that some operators have two work diaries instead of one, et cetera. One way to circumvent that is to make it electronic to ensure that you can therefore monitor it electronically to improve compliance with the fatigue hours.³¹
- 4.51 The National Transport Commission and TCA are jointly developing policy priorities and specifications for the national implementation of electronic work diaries. The impetus for national monitoring also has the support of the trucking industry and will result in a consistent framework with interoperability across all jurisdictions. Results from the NSW operational pilot for the electronic work diaries will feed into the process for a final proposal which, if adopted by the Australian Transport Council, will result in an improved national regime of heavy vehicle operator safety monitoring and enforcement.
- 4.52 A similar framework has been established in Europe through the International Organization for Standardization (ISO) in relation to electronic tolling systems. According to TCA, "an overarching framework achieving interoperability is arguably more important than technological solutions themselves".³²
- 4.53 In a changing environment of regulatory and commercial applications, it is timely to consider an overall framework that would result in the creation of a single, efficient, simple and affordable standard platform for all heavy vehicle intelligent systems applications. Such a standard will allow for a speedy development and specification of new applications that build upon a generic standard platform.
- 4.54 Staysafe supports the involvement of the RTA in the development of a national approach to the management of heavy vehicle safety. The coordination of current activities and the integration of policies within the National Reform Agenda will be developed in greater detail in Chapter 5.

³¹ Transcript of Evidence, RTA, p.6.

³² Submission 11, TCA, p.3.

Chapter Five - Policy Coordination and Integration – A National Approach

- 5.1 Earlier chapters of the Report have highlighted concerns raised by heavy vehicle operators about inconsistencies in the operation and application of safety laws and regulations across mainland States. Examples have been given of driving hour restriction variations between State jurisdictions and the complexities of calculating requirements for rest stops when crossing State boundaries. This is caused by both legislative requirements and the lack of provision of rest stops along major transport routes.
- 5.2 Differences in heavy vehicle safety requirements within Australia also give rise to a range of other concerns regarding occupational health and safety, the necessity to meet competing schedules and deadlines and the provision of essential infrastructure. The complexities of the current regulatory regime governing the road freight industry and levels of frustration expressed both within and outside the industry have given rise to the policy impetus for a nationally consistent mechanism as part of the national transport reform agenda.

National Road Transport Reform

- 5.3 Movement towards national consistency in road transport reform commenced in 1991, when the National Road Transport Commission was established as an independent statutory body. This led to a 2003 intergovernmental agreement, whereby all States and Territories and the Federal Government committed themselves to improving transport productivity, efficiency, safety, environmental performance and regulatory efficiency in a uniform and nationally consistent manner.
- 5.4 All Australian jurisdictions acknowledge the increasingly important economic role played by road transport and recognise that improved safety and efficiency are critical to improve economic growth in this sector. According to the Victorian Government's review of the impact of the National Competition Policy on the Australian economy over the ten years from 1995-2005, it was estimated that growth of 0.13% in Australia's GDP was attributable to road transport reform.¹
- 5.5 In similar terms, the Productivity Commission estimated in 2006 that further transport reforms could increase GDP by \$2.4 billion. As NSW roads are involved in carrying approximately 80% of Australia's long distance freight and performing 40% of road freight tasks, NSW has a particularly strong view that national solutions to problems such as driver fatigue and speeding should have the highest priority.²
- 5.6 Compliance with the previous fatigue management regime was a source of great concern. A 2006 report by the National Transport Commission (NTC) revealed that prior to the new requirements, "27% of drivers surveyed reported breaking the regulations on every trip; 36% of drivers admitted to infringing driving hours regulations to 'do enough trips to earn a living.'"³ As previously discussed in this report, the NTC estimates indicate that heavy vehicle related crashes cost over \$300

¹ Submission 22, Attachment A, RTA, p.2.

² Ibid.

³ NTC, Heavy Vehicle Driver Fatigue - Updated Draft Regulatory Impact Statement, August 2006, p. 7.

million across Australia and lack of speed compliance results in an additional 29% crash rate.

- 5.7 In response to claims that the previous driver fatigue laws sacrificed safety for productivity, failed to adequately prosecute breaches of safe driving conditions and placed undue onus for compliance on drivers, the Australian Transport Council endorsed a framework for the development of improved safety regulations. A national reform package was prepared for approval by the Australian Transport Council, for implementation within twelve months. This Heavy Vehicle Driver Fatigue Reform Package included the following provisions:
- Application of the “chain of responsibility” concept placing obligations on all parties in the heavy vehicle industry to manage fatigue;
 - Application of Occupational Health and Safety (OHS) concepts such as general and specific “duties”;
 - Development of three tiers of driving hours options with more flexibility in return for increased compliance requirements; and
 - A scientific understanding of fatigue reflected in constraints on night work and long hours and promotion of short breaks and napping.⁴
- 5.8 The Package, which included draft model heavy vehicle driver fatigue legislation, the National Heavy Vehicle Accreditation Scheme (NHVAS) business rules and guidelines for managing heavy vehicle driver fatigue, was submitted to the ATC in 2007. The ATC formally approved the model legislation and in February 2008, supported a revised implementation date of 29 September 2008, along with amendments to the legislation.
- 5.9 As previously indicated in Chapter 3, the New South Wales Government included a number of variations to the operation of the model legislation in this State, including that:
- Drivers of all regulated heavy vehicles will be required to carry a work diary, regardless of distance travelled (Note: Exemption from carrying a work diary provided until 28 September 2009):
 - Short rest break defence: NSW would not be adopting the defence which allows drivers working under Standard Hours to continue driving for an additional 45 minutes on the grounds that they could not find a rest area; and
 - AFM limits: NSW and Victoria would set an outer limit of 15 hours in any 24 hour period (16 hours in other states) for drivers operating under AFM.⁵
- 5.10 The national model legislation was adopted in NSW through amendments to the Road Transport (General) Regulation 2005 and commenced operation on 29 September 2008. Victoria, Queensland and South Australia also adopted the model legislation within their own legislative regimes on the same date of commencement.
- 5.11 Transitional arrangements for full implementation were also provided. These included: a six month exemption period for adopting Standard Hours; a twelve month transitional period to convert to new fatigue management schemes; varying

⁴ Submission 22, Attachment A, RTA, p.4

⁵ Ibid, p.9.

transitional periods from 14 to 90 days to convert from logbooks to work diaries; and a six month period of grace regarding the enforcement of minor offences.⁶

5.12 In addition to the transitional arrangements, permanent exemptions from the legislation were also granted in NSW as follows:

- Bus and coach drivers (including volunteer bus drivers, school bus drivers, private bus owners and operators) undertaking journeys within a 100km radius of the driver's base and bus and coach journeys provided under Government bus service contracts regardless of distance travelled (exempted from requirement to carry and complete a work diary only);
- Drivers employed by licensed motor vehicle repair businesses or licensed motor dealers for purposes incidental to the sale, registration, servicing or repair of a heavy vehicle undertaking journeys within a 100 km radius of the driver's base (exempted from carrying and completing a work diary only); and
- Drivers engaged by emergency services, including fire brigades and police, undertaking journeys of less than 100km (exempted from all aspects of the new law).⁷

5.13 The National Transport Commission describes the advantages of a national reform package to manage heavy vehicle driver fatigue risk in the following terms:

- it is underpinned by expert advice from sleep scientists, using the body clock and human limitations as the basis for the framework, rather than focussing on 'hours of work';
- it encourages operators to actively 'engage' with managing their risks (by requiring risk identification and proposing appropriate countermeasures to manage risks) rather than requiring discrete prescriptive requirements that are taken as proxy that risks are being managed;
- flexibility is possible. Previously operators sought exemptions from regulations, however the new Advanced Fatigue Management option allows for unique operating conditions without sacrificing safety;
- it can be tailored to suit the actual risks of an individual operator rather than being 'one size fits all'. In particular, this means that compliance costs are kept to a minimum for small or straight forward operations, whereas operators with unique profiles can have much more flexibility;
- it introduces the concept of chain of responsibility whereby parties in the transport logistics chain are responsible for managing driver fatigue, with a general duty (and associated penalties) to actively manage the risk, rather than ignoring it or transferring responsibility; and
- the description of chain parties in the model law uses contemporary terms to identify nine separate parties.⁸

5.14 In its submission to the Inquiry, NatRoad argued for a uniform set of heavy vehicle laws administered by a single national regulator.⁹ This is a sentiment also expressed by other organisations who have contributed to the Inquiry.

⁶ Ibid, p.11.

⁷ Ibid, p.13.

⁸ Submission 19, NTC, p.2.

⁹ Submission 20, NatRoad, p.8.

- 5.15 On 2 July 2009, the Council of Australian Governments (COAG) decided to establish a single National Heavy Vehicle Regulator and a consolidated single body of heavy vehicle law for the Regulator to administer. The Regulator will be established to regulate all vehicles over 4.5 gross tonnes, ending the separate and at times conflicting regulatory imposts on the heavy vehicle industry.¹⁰
- 5.16 As a consequence, the NTC is undertaking a process to resolve outstanding differences in implementing National Model Heavy Vehicle Law (including Fatigue Management laws). The Commission is also working with the various States to ensure that a uniform set of requirements will be consolidated into the National Heavy Vehicle Law. The current schedule is for the release of an exposure draft of the consolidated Bill and Regulatory Impact Statement in February 2011.¹¹
- 5.17 At its Sydney hearing, Staysafe asked the Director of the Centre for Road Safety for an update on the national reform agenda. The following response was provided:
- The broad agenda and the detail...were set out in what is called national model legislation by the National Transport Commission. In the process of doing that the National Transport Commission consults extensively with the jurisdictions. So, the jurisdictions drive the process for the National Transport Commission, and that certainly has included extensive consultation with the Roads and Traffic Authority. Those pieces of model legislation are also passed by the Australian Transport Council. That means they are overviewed by our Minister. However, in addition to that formal consultation process and a lot of informal consultation with the experts in it, we suggest experts, we advanced an expert panel on fatigue to examine these issues... Further, though, that model legislation is just what it says, it is model legislation. Then each State has the right within its legislation and within its regulations to adopt or not adopt, or adopt with adjustment, the model regulations which are, in effect, a recommendation of the National Transport Commission.¹²

Chain of Responsibility

- 5.18 One important component of the national reform agenda is the obligation that all parties in the supply chain have to prevent driver fatigue under the chain of responsibility requirements. As discussed in earlier chapters of this report, the new laws are consistent with current obligations under Occupational Health and Safety (OHS) laws that also require employers and employees take all reasonably practicable steps to manage driver fatigue.
- 5.19 In its appearance before the Committee, WorkCover NSW, which administers Occupational Health and Safety legislation, discussed the operational details of its responsibilities. As well as detailing WorkCover's educational activities, the General Manager, Occupational Health & Safety outlined its compliance and enforcement activities in the following terms:

We also conducted a compliance verification program designed to increase industry's capability to implement and maintain safe systems of work and management around fatigue in the long haul trucking industry. We then had a number of interagency agreements developed between the Roads and Traffic Authority, NSW Police Force and the Department of Environment, Climate Change and Water to ensure effective and efficient coordination between the various government agencies that have impact on

¹⁰ Council of Australian Governments' Meeting Communiqué, 2 July 2009, accessed on 10 August 2010 at: www.coag.gov.au/coag_meeting_outcomes/2009-07-02/index.cfm#transport.

¹¹ NTC, Supplementary Information, 4 August 2010.

¹² Transcript of Evidence, 17 May 2010, p.2.

this particular area of our work. The adequacy of the implementation of the regulation, I believe, is reflected in the decrease in the number of road and traffic incidents at work. There were 22 fatalities in 2005-06, 13 in 2006-07 and 11 in 2007-08—bearing in mind we are talking about those people who were at work in those particular figures.¹³

5.20 The NSW State Secretary of the Transport Workers' Union voiced his support for the improved fatigue management regime in NSW:

...the Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation came into effect in March 2009. I suppose it could be said that it is a world's first—a world-leading instrument—to address the management of fatigue in the road transport sector. It has been referred to in countless academic journals. This has been cited as the best practice example by the International Transport Workers Federation Conference in the United States and the United Kingdom. The Mutual Responsibility Road Safety Award, applicable to employers and employees, applies to contract determinations applicable to owner-drivers and those engaged in the industry. The Industrial Relations Commission requires the development of safe driving plans for all employees, owner-drivers and labour-hire employees.¹⁴

5.21 The current overlap in legislative approaches to managing driver safety can be a source of confusion in the industry. WorkCover argues for the inclusion of fatigue regulations in the national model and presented its arguments at the Sydney hearing:

WorkCover administers the long haul trucking fatigue regulation I have just outlined and the Office of Industrial Relations administers the Transport Industry (Mutual Responsibility for Road Safety) State Award. Whilst the regulation and the award have differences in relation to definitions and requirements, for example, a driver fatigue management plan under our regulation and a safety driver plan under the award, they are similar in intent and they do not conflict in respect of their provisions. For instance, the driving safety plan required under the award does not include consideration of driver patterns, the time of day of driving, the cumulative effect of fatigue, the training provided to drivers about fatigue which is addressed in the driver fatigue management plan. However, the award does encompass remuneration issues and specific provisions for drug and alcohol policy to be developed. In recognition of having multiple instruments in dealing with driver safety, there is potential, of course, for confusion in the industry. WorkCover believes it is imperative to have a national approach to improving the safety of this high-risk industry. That is why WorkCover has advocated very strongly for the inclusion of fatigue regulations in the national work health and safety model legislation which is currently under development.¹⁵

5.22 WorkCover also discussed interagency arrangements for advancing the national reform agenda, as follows:

In respect of consultations on a national level, we have recently gone through a process with the Strategic Issues Group—the Occupational Health and Safety Group of Safe Work Australia—to put on the table the need for national regulations for fatigue management. I am the New South Wales representative on the committee and it comprises occupational health, work and safety regulators from around the world and members of the Australian Council of Trade Unions and industry representatives. That group has voted to proceed to a point of drafting some national regulations that would initially reflect the design of the regulations we have in New South Wales with some input from Western Australia. That work is still to be done; it is early days—it has been only a fortnight since that vote was taken. The consultation mechanism is clearly designed to work alongside industry and to work out exactly what we need to do and to

¹³ Ibid, p.23.

¹⁴ Ibid, p.39.

¹⁵ Ibid.

ensure there is no confusion in respect of how this fits together with the national transport regulations already in place. That is an ongoing process.¹⁶

- 5.23 Staysafe strongly supports all efforts to develop a consistent and effective national legal framework for the management of driver fatigue as part of the broader goal of ensuring safer roads. In addition, the Committee considers that the obligations conferred by the chain of responsibility requirements to make all participants in the supply chain responsible for the safe carriage of goods on the roads is an essential part of the national reform agenda.

National Workforce Training

- 5.24 Another aspect of national reform was highlighted by the Transport Workers' Union (TWU) representatives when they appeared before Staysafe at its Sydney hearing. This relates to workforce training and participation in the trucking industry and was also referred to earlier in Chapter 3 of this report. According to the TWU:

Australia's growing economy is heavily reliant on safe and efficient trucking. To boost the industry there is a need to create a new framework that rewards companies who invest in safety, workforce development and pay safe rates rather than the current emphasis on pushing poor performance or rewarding operators who are able to avoid compliance measures. The industry has historically suffered from a tight labour market for drivers, especially in regional locations. The area has a growing pool of unskilled labour that trucking could access if barriers are removed and an environment created that attracts and retains a skilled and safe driver workforce...the Commonwealth and the State governments can demonstrate responsiveness in key industry issues.¹⁷

- 5.25 The TWU submission argues very strongly for multi-jurisdictional collaboration and regulation of the heavy vehicle transport industry. According to the Union: "The new laws are the next element of a universal strategy that maximises pressure to reduce injury and death in heavy vehicle transport by establishing robust standards across road laws, industrial laws and occupational health and safety laws in order to capture the full complexity of modern day transport operations. For New South Wales, national agreement and progress in implementing this strategy will have disproportionate benefits relative to those available to other jurisdictions. More freight passes through New South Wales than any other State or territory, New South Wales outlays more monies on safety/mass related enforcement than any other agency and more people die in heavy vehicle accidents in New South Wales than in any other State."¹⁸
- 5.26 Another aspect of national standard setting to improve driver safety involves the relationship between payment rates and performance. The TWU, in its submission, referred to " ...the relationship between methods for the remuneration of drivers and the poor safety practices that plague the transport industry and cause high levels of deaths and injuries. Judicial and coronial determinations, academic studies and government-commissioned inquiries have explained how these systems of remuneration result in low rates of pay that encourage inappropriate industry

¹⁶ Ibid, p.24.

¹⁷ Ibid, p.41.

¹⁸ Submission 21, TWU, p.9.

practices. These practices include drivers being subject to the pressure to work excessive hours; the pressure to exceed legal speed limits; the pressure to drive through break and sleep times; and, in some circumstances, the professional use of illegal stimulants to combat fatigue."¹⁹

5.27 The National Secretary of the Transport Workers' Union elaborated on this at the Sydney public hearing, as follows:

A number of drivers have reported on punishing schedules that they have in a survey that was carried out among hundreds of drivers through an industry magazine by the name of *Owner-Driver*. The workforce is ageing. Younger drivers see no future in the industry under current conditions. That is what we found from the survey. For example, 54 per cent have worked in the industry for longer than 20 years; 35 per cent have worked in the industry between 10 and 20 years; only 7 per cent have been in the industry for five years or fewer; and only 29 per cent want to stay in the industry. One driver, respondent C from Queensland, said at page 30, "Every cost is going up. Rates are going down. It's a waste of time. I want out. A system in which drivers are not paid for loading and unloading is exploitative."²⁰

5.28 While not wishing to comment directly on the payment issue, which is more appropriately handled in other forums, the question of adequate remuneration does raise workforce and safety issues which are of direct concern.

5.29 Staysafe endorses moves towards national training standards and uniformity in the regulation of workforce capacity within the trucking industry as a means to ensure safer drivers and increased productivity. Chain of responsibility requirements, safe driving plans and standardisation of driving hours across jurisdictions are essential elements in achieving safer driver outcomes. These form part of a broader national legislative framework for heavy vehicle safety and are positive steps towards meeting overarching road safety goals.

¹⁹ Ibid, p.5.

²⁰ Transcript of Evidence, 17 May 2010, p.40.

Chapter Six - Conclusions and Recommendations

- 6.1 This Inquiry has examined the operation and effectiveness of current rules and regulations governing heavy vehicle driver fatigue and safe driving plans designed to reduce road trauma and to improve road safety. As is evident from the material presented to Staysafe as part of its Inquiry, ensuring the safe and efficient transportation of goods on NSW roads raises a number of technical, planning, behavioural, environmental and economic issues.
- 6.2 It is also important to recognise that road haulage is the main mode of land transport in Australia and this trend is growing, with increasingly larger vehicles and movements on the road network. The industry operates in a highly competitive environment, with great pressure to achieve cost savings wherever possible. This must be weighed against the need to ensure safe outcomes, both for operators and other road users.
- 6.3 New South Wales roads carry the bulk of heavy vehicle transport, either in full or part, and State regulators therefore play a major role in safeguarding the well being of operators and the industry as a whole. State regulations should complement a national framework for operator and heavy vehicle industry safety and reflect best practice guidelines to ensure optimal health and safety for all partners in the supply chain.
- 6.4 In its examination of the identified risks of heavy vehicle driving, Staysafe has identified a range of measures which, if implemented, will result in improved outcomes and safer roads and drivers.

Research Initiatives

- 6.5 In evidence presented to the Committee, the RTA has identified a significant disparity between metropolitan and non-metropolitan heavy vehicle crash risk. On the basis of supplied statistics, it is evident that aspects of country driving predispose drivers to certain risks at a greater rate than in metropolitan settings. This is particularly the case for fatal crashes, of which a majority occur on country roads.

RECOMMENDATION 1:

The Committee recommends that the RTA, through the Centre for Road Safety, as part of its research based funding, commission a study to compare the relevant heavy vehicle driver risk factors in metropolitan and non-metropolitan settings. The identification of disparities in contributing risk factors and the success of strategies employed to date will enable a more targeted approach to intervention measures to be implemented.

RECOMMENDATION 2:

Staysafe notes that The George Institute is currently undertaking a three year action research study into heavy vehicle safety risks. The Committee strongly supports this initiative and recommends that the RTA ensure that its findings are incorporated into policy formulation for future action to improve road safety in NSW.

Driver Training

- 6.6 As part of its regional tour of inspections, the Committee examined and trialled a heavy vehicle driving simulator, an initiative provided through the TAFE NSW Western Institute. The rationale for the deployment of the simulator is based on an identified need to provide specialist training to meet anticipated growth and workforce shortages in the heavy vehicle sector.
- 6.7 This workforce issue is underpinned by a projected doubling in the volume of goods movements and an ageing population of existing drivers. The simulator should be part of a comprehensive training package to provide training to new drivers to support and enhance their initial training to become licensed drivers and to remove current barriers to entry into the industry.

RECOMMENDATION 3:

In view of recognised and anticipated growth in the heavy vehicle transport industry and a shortage of trained drivers, the Committee recommends that the RTA conduct discussions with TAFE NSW, other vocational training institutions and the heavy vehicle transport industry to provide increased funding and support for the expansion of driving simulator training in NSW.

RECOMMENDATION 4:

The Committee also recommends that the NSW Minister for Transport, through the Australian Transport Council agenda, look at other strategies to remove access barriers for entry into the transport industry for heavy vehicle operators.

RECOMMENDATION 5:

In order to ensure the continuing competency of the existing driver skills base, the Committee further recommends that the RTA investigate the feasibility of mandating refresher simulator or other appropriate training for heavy vehicle drivers every three years, as is required in European jurisdictions.

Safety Compliance and Surveillance

- 6.8 In its examination of current approaches to vehicle safety compliance and enforcement the Committee notes that, in relation to electronic surveillance, the RTA has not yet reported on its review of the Safe-T-Cam system. One of the issues identified by Staysafe as part of the Inquiry concerns the practice of "shepherding", whereby drivers tailgate one another to escape detection from the Safe-T-Cam system.

RECOMMENDATION 6:

The Committee recommends that the RTA, prior to completion of its current review of the Safe-T-Cam system, investigate whether the system can be improved to deter the practice of shepherding, where tailgating drivers escape detection. One such solution would be to identify trucks that travel too closely behind one another and impose automatic fines for this practice.

Driver Fitness

- 6.9 Heavy vehicle operators are subject to a range of medical checks to ascertain their capacity to drive safely. Drivers may, however, also be impaired due to underlying psychological conditions or other stress factors.
- 6.10 The lack of adequate counselling and crisis support services for heavy vehicle drivers was raised as an issue as part of the Committee's inspections program. Currently, such services, where available, are run on a non-profit basis. Staysafe visited one such service, which also provides mediation, legal support, advocacy and health promotion advice, as well as preliminary health checks and support to drivers at changeover bays, roadhouses and truck stops at Tarcutta.

RECOMMENDATION 7:

The Committee considers that dedicated counselling and crisis support services for heavy vehicle drivers should be more widely available and recommends that the RTA conduct discussions with the trucking industry to determine the current provision of such services in NSW.

RECOMMENDATION 8:

The Committee also recommends that the RTA assess the provision of counselling services by current providers with a view to supporting the funding of help lines or other means of direct assistance to drivers in crisis.

Communication Strategies

- 6.11 The RTA has in the past conducted a series of information activities to provide advice regarding legislative changes and other road safety issues affecting the heavy vehicle industry. This has included media and marketing campaigns, focus group research and a range of other strategies such as press advertisements in industry magazines and newspapers, radio advertisements, outdoor billboards, workplace and convenience posters, brochures and fact sheets.
- 6.12 The transport industry and individual operators have told the Committee that information about changes to driver safety rules and regulations has not always been provided in an efficient and timely manner. It is the Committee's view that any such attempts to educate and inform drivers about their obligations and responsibilities should be done after direct and extensive consultation and in conjunction with the industry.

RECOMMENDATION 9:

The Committee recommends that the RTA and WorkCover NSW ensure that all strategies employed to educate and inform drivers and all others involved in the supply chain about safety issues and regulatory requirements be conducted after comprehensive consultation and in conjunction with appropriate peak transport industry bodies, as well as consignors and consignees.

Roads Maintenance

6.13 Evidence received by the Committee from heavy vehicle operators expresses frustration at the lack of responsiveness by the RTA and local councils to concerns about unsafe road surfaces on major roads in NSW. While appreciating the constraints imposed by road funding formulae and Federal/State negotiations regarding road infrastructure, Staysafe supports the commissioning of improved surveillance mechanisms to monitor roadworthiness from a safety point of view.

RECOMMENDATION 10:

The Committee recommends that the RTA investigate the feasibility of improved purpose designed tracking systems to monitor road conditions on heavily trafficked roads in order to improve maintenance scheduling and to provide greater assurances about road suitability for heavy vehicle operators.

Rest Stop Provision

6.14 Recent reviews of heavy vehicle rest stop availability and adequacy have identified deficiencies in NSW, from the point of view of frequency and the provision of adequately designed rest opportunities. This has also been a consistent theme in submissions and other evidence presented to the Inquiry. Criticisms of the design and functionality of current and proposed rest stops have also highlighted other important issues for further consideration, as has the lack of cooperation of local councils in making their facilities available for use by visiting truck drivers.

RECOMMENDATION 11:

The Committee recommends that the RTA initiate discussions with the NSW Local Government and Shires Association to develop strategies to encourage key towns along major highways to assist in providing new infrastructure and allow access to existing facilities for truck drivers.

RECOMMENDATION 12:

The Committee further recommends that the RTA consult with peak freight transport industry bodies and heavy vehicle owner/operators to develop an agreed list of major design and siting requirements for the establishment and enhancement of heavy vehicle rest areas throughout NSW.

- 6.15 The Committee also supports the operation of the Blue Reflector Scheme on NSW roads. The identification of established informal heavy vehicle stopping areas gives advance warning of the location of these areas and enables drivers to slow down in anticipation of stopping, thus reducing the risk of rear-end collisions. The Scheme should use a standardised colour across State borders.

RECOMMENDATION 13:

The Committee recommends the extension of the Blue Reflector Scheme, as appropriate, in more locations to assist in overall heavy vehicle driver fatigue management. The extension of the Scheme should also aim to standardise the colour used across State borders.

Vehicle Roadworthiness and Design

- 6.16 The mechanical and operational soundness of vehicles also has a major impact on safety. Defect identification and rectification rely on strict adherence to compliance and enforcement regimes. These are also linked to chain of responsibility legislative requirements governing the work environment and amenities, loading schedules, accident and mechanical failures. One proposal to provide assurances in this area is the "five star scheme", which would provide a safety rating to trucking companies.

RECOMMENDATION 14:

The Committee recommends that the RTA prioritise the development of a system to provide a transparent and effective safety rating to trucking companies, whereby their operation and performance can be easily assessed and compared against established safety criteria.

- 6.17 Incompatible and aggressive heavy vehicle design features are significant factors in determining crash severity. Frontal crash severity is exacerbated by bad truck geometry, combined with significant differences in mass at impact. Two major identified design flaws are front mounted bull bars and the lack of side skirting protection to prevent under-run into the side of trucks.

RECOMMENDATION 15:

The Committee recommends that the RTA, while participating in consultative forums as part of the Australian Design Rules process, lobby strongly for the redesign of existing bull bar conditions to meet increased safety standards and the compulsory installation of energy absorbing under-run protection devices in order to improve heavy vehicle safety.

Intelligent Systems

- 6.18 Continuing rapid advances in electronic vehicle technology provide opportunities for improved safety management for the benefit of all parties in the supply chain. The Committee has been informed about recent developments in electronic driver assistance, such as electronic work diaries. The implementation of such a system would overcome existing objections to requirements to duplicate driver records as part of the existing arrangements. The Committee understands that electronic work diaries have already been trialled and are ready to be made operational.

RECOMMENDATION 16:

The Committee recommends that the RTA release the results of its electronic work diary trials and, if appropriate, implement their operation across the heavy vehicle industry to improve compliance with fatigue safety requirements.

6.19 The Committee has also been advised that discussions are currently taking place to make it mandatory under Australian Design Rules for all trucks greater than 3 tonnes to be fitted with anti-lock brakes. This is a welcome development and should be further extended to other electronic devices which improve vehicle safety.

RECOMMENDATION 17:

The Committee recommends that the RTA, as part of the Australian Design Rules consultative process, actively pursue the mandatory incorporation of anti-lock brakes in heavy vehicle production.

RECOMMENDATION 18:

The Committee further recommends that the RTA also lobby for the inclusion of other safety based electronic systems such as electronic stability control, adaptive cruise control and lane assist to be included in future heavy vehicle Australian Design Standards.

National Road Transport Reform

- 6.20 A consistent theme running through the Inquiry is the complexity and inherent inconsistencies in the current heavy vehicle safety regulatory regime. This applies equally to all parties in the transport chain but is particularly onerous for heavy vehicle operators, who must meet reporting and fatigue management obligations within their own jurisdiction as well as conforming to the rules applying in other jurisdictions when they cross State boundaries.
- 6.21 The obvious need for national consistency has been reinforced in all evidence received by the Committee and has also been recognised in the gradual adoption of the National Heavy Vehicle Accreditation Scheme and the associated National Reform Agenda. The ability to transport road freight across the country according to nationally agreed and consistent standards and regulations, designed to enhance driver and vehicle safety and to meet other contractual obligations to consignors and consignees, will also bring productivity benefits and efficiencies to this vital sector of the Australian economy.
- 6.22 The Committee supports the obligations conferred by the chain of responsibility requirements to make all participants in the supply chain responsible for the safe carriage of goods on the roads and consider these to be an essential part of the National Reform Agenda.
- 6.23 The Committee notes that work is progressing on the finalisation of a set of national regulations reflecting the experience of all States and designed to provide an overarching fatigue management and safety framework. WorkCover reported to

Conclusions and Recommendations

Staysafe on progress achieved by various interagency groups to advance the National Reform Agenda.

- 6.24 Staysafe strongly supports all efforts to develop a consistent and effective national legal framework for the management of driver fatigue as part of the broader goal of ensuring safer roads.

Appendix One – List of Submissions

SUBMISSION No.	AUTHOR AND/OR ORGANISATION
1	Mr Ian Faulks Safety & Policy Analysis International (SPAI)
2	Mr Merrick Plater Private Citizen
3	Mr Jon Russell Private Citizen
4	Confidential
5	Mr Gary Stephen Private Citizen
6	Mr Rod Hannifey Private Citizen
7	Mr Tony Khoury Waste Contractors & Recyclers Association of NSW
8	Mr Kenneth Wilkie Private Citizen
9	Mr Barry Creek Private Citizen
10	Mr and Mrs Russell and Marcia Burlace Private Citizens
11	Mr Chris Koniditsiotis Transport Certification Australia (TCA)
12	Mr Murray Reddie Private Citizen
13	Dr Jane Elkington The George Institute for International Health
14	The Hon Joe Tripodi MP Minister for Ports and Waterways
15	Mr Jim Savage Livestock & Bulk Carriers Association (LBCA)
16	Mr Chris Siorokos National Roads and Motorists' Association (NRMA)
17	Ms Rena Friswell Injury Risk Management Research Centre (IRMRC)
18	Dr Raphael Grzebieta Injury Risk Management Research Centre (IRMRC)
19	Mr Nick Dimopoulos National Transport Commission (NTC)
20	Mr Bernard Belacic NatRoad
21	Mr Wayne Forno Transport Workers' Union (TWU) (NSW)
22	Dr Soames Job NSW Centre for Road Safety, Roads & Traffic Authority (RTA)
23	Ms Jill Lewis Australian Trucking Association (ATA) (NSW)
24	Ms Carmel Donnelly Motor Accidents Authority (MAA)
25	Mr Jock Laurie NSW Farmers' Association
26	Deputy Commissioner Dave Owens APM NSW Police Force (NSWPF)
27	Ms Dianne Carroll Trans-Help Foundation Ltd

Appendix Two – List of Witnesses

MONDAY, 17 MAY 2010

PARLIAMENT HOUSE, SYDNEY

Dr Soames Job, Director, NSW Centre for Road Safety
Roads & Traffic Authority (RTA)

Mr Bernie Belacic, Chief Executive Officer
NatRoad

Mr Barney Hayes, President
Mr James Savage, Vice President
Mr Andrew Higginson, Executive Director
Mr Bob Richardson, Committee Member
Livestock & Bulk Carriers Association (LBCA)

Mr John Watson, General Manager, Occupational Health & Safety
Mr Tony Williams, Team Manager, Manufacturing, Primary Production, Transport & Storage
WorkCover NSW

Mr Ben Mason, Policy Manager
NSW Farmers' Association

Ms Jill Lewis, Manager
Mr Jonathan Luff, Chairman, Advisory Board
Australian Trucking Association (ATA) (NSW)

Mr Tony Sheldon, National Secretary
Mr Wayne Forno, NSW State Secretary
Mr Garth Mulholland, Chief Adviser, NSW
Mr Sam Catana, Truck Driver
Mr Frank Black, Truck Driver
Transport Workers' Union (TWU)

Mr Murray Reddie, Director
Reddie Road P/L

MONDAY, 24 MAY 2010

CIVIC ADMINISTRATION BUILDING, DUBBO CITY COUNCIL

Mr Rod Hannifey
Truckright

Appendix Three – Inspection Schedule

TIME	EVENT	LOCATION
10.15 – 12.30	Travel along the Newell Highway Inspect recent and planned works including: <ul style="list-style-type: none"> • Camp Road • Ascot Park Road • Mewburns Pit Rest Area • Tomingley Road Train Area • Tomingley Safe-T-Cam • South Tomingley Rest Area • Tomingley to Peak Hill point-to-point • Peak Hill Hospital Access • Trewilga Curves • Various Blue Reflector Sites 	Dubbo to Telescope Road
12.30 – 13.30	LUNCH Dish Cafe	Telescope Road, Parkes
13.30 – 14.30	Travel along the Newell Highway Inspect: <ul style="list-style-type: none"> • Newell Highway Centreline Separation Trial • Parkes Rest Area • Parkes Heavy Vehicle Inspection Station • Welcome Road upgrade • Pipeclay Road upgrade 	Telescope Road to Daroobalgie
14.30 – 15.15	Site Inspection RTA Heavy Vehicle Inspection Bay undertaking: <ul style="list-style-type: none"> • Work diary checks including: • Fatigue; • Registration; and • Licensing. Vehicle road worthiness inspections including: <ul style="list-style-type: none"> • Brake suspension checks; • Mass checks; and • Load restraints. 	Daroobalgie
15.15	Depart for Tarcutta	
17.30	Arrive Tarcutta Meeting - Trans-Help Foundation – Dianne Carroll (CEO) Inspections of Heavy Vehicle Changeover Depart for Wagga Wagga	

Appendix Four – Extract of Minutes

Minutes of Proceedings of the Joint Standing Committee on Road Safety (No. 18)

Wednesday 26 November 2008 at 1:15 pm

Parliament House, Room 1043

Members Present

Mr Geoff Corrigan MP (Chair)

Hon Robert Brown MLC

Mrs Dawn Fardell MP

Mr David Harris MP

Mr Daryl Maguire MP

Dr Andrew McDonald MP

Apologies

Hon Richard Colless MLC

Ms Noreen Hay MP

Hon George Souris MP

Hon Ian West MLC

...

2. Future Inquiry Topics

The Committee deliberated on options for the conduct of future inquiries and considered draft terms of reference for a proposed inquiry into Heavy Vehicle Safety.

Resolved on the motion of Mr Maguire:

“That the Committee undertake an inquiry into Heavy Vehicle Safety with the following terms of reference:

- a) the adequacy of implementation of the NSW Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005 and the Transport Industry - Mutual Responsibility for Road Safety (State) Award, particularly in relation to heavy vehicle driver fatigue management and safe driving plans;
- b) the integration of NSW OH&S and industrial relations legislation governing heavy vehicles to ensure consistency and conformity with that applying in other States, as part of the national reform agenda;
- c) the adequacy of the Government’s provision of infrastructure to support the implementation of heavy vehicle driver fatigue management and safe driving plans in NSW; and
- d) responses to heavy vehicle driver fatigue management and safe driving plans in other jurisdictions, further proposals and any other related matters.”

Resolved on the motion of Dr McDonald:

“That the Committee announce the commencement of the Inquiry in early February 2009 by: issuing a media release and newspaper advertisement publicising the terms of reference and seeking submissions; contacting relevant industry publications to alert their membership to the Inquiry; writing to other appropriate organisations and individuals requesting submissions; and publishing the terms of reference and submission requirements on the Committee’s Parliamentary website.”

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Minutes of Proceedings of the Joint Standing Committee on Road Safety (No. 19)

Wednesday, 4 March 2009 at 1.00pm

Parliament House, Room 1043

Members Present

Mr Geoff Corrigan MP (Chair)

Hon Robert Brown MLC

Hon Richard Colless MLC

Mrs Dawn Fardell MP

Mr David Harris MP

Mr Daryl Maguire MP

Dr Andrew McDonald MP

Hon George Souris MP

Apologies

Ms Noreen Hay MP

Hon Ian West MLC

...

2. Heavy Vehicle Safety Inquiry

The Committee deliberated on the proposed program for the conduct of the inquiry and discussed possible sites for regional inspections and hearings.

Resolved on the motion of Mrs Fardell:

“That Committee Members consider a range of possible inspection sites and convey these to the Secretariat for discussion at the next Committee meeting.”

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Minutes of Proceedings of the Joint Standing Committee on Road Safety (No. 22)

Wednesday, 6 May 2009 at 1.05pm

Parliament House, Room 1043

Members Present

Mr Geoff Corrigan MP (Chair)

Hon Robert Brown MLC

Hon Richard Colless MLC

Mrs Dawn Fardell MP

Mr David Harris MP

Ms Noreen Hay MP

Mr Daryl Maguire MP

Dr Andrew McDonald MP

Hon George Souris MP

Hon Ian West MLC

...

3. Heavy Vehicle Safety Inquiry

The Committee deliberated on the future program for the conduct of the inquiry. It was noted that submissions from WorkCover and the Office of Industrial Relations were still awaited. All submissions will be placed on the Parliament’s website at a later date.

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5. Referral from Minister for Roads

The Committee deliberated on a letter from the Hon Michael Daley, Minister for Roads, requesting that the Committee conduct an urgent inquiry into recent increases in pedestrian fatalities on NSW roads.

Resolved on the motion of Ms Hay:

“That the Committee adopt the reference from the Minister for Roads and commence an inquiry immediately into pedestrian safety and related matters”.

Resolved on the motion of Mr Maguire:

“That the Committee draft appropriate terms of reference for the conduct of the inquiry”.

...

Minutes of Proceedings of the Joint Standing Committee on Road Safety (No. 23)

Wednesday, 13 May 2009 at 1.00pm

Parliament House, Room 814-815

Members Present

Mr Geoff Corrigan MP (Chair)

Hon Robert Brown MLC

Mrs Dawn Fardell MP

Ms Noreen Hay MP

Hon George Souris MP

Dr Andrew McDonald MP

Hon Ian West MLC

Apologies

Hon Richard Colless MLC

Mr David Harris MP

Mr Daryl Maguire MP

...

2. Heavy Vehicle Safety Inquiry

Resolved on the motion of Dr McDonald:

“That the Committee receives and authorises the publication of submissions numbered 1-3 and 5-26, previously circulated, and orders that they be placed on the Parliament’s website and that submission number 4 be treated as confidential”.

...

Minutes of Proceedings of the Joint Standing Committee on Road Safety (No. 31)

Wednesday 24 February 2010 at 1:05pm

Parliament House, Room 814-815

Members Present

Mr Geoff Corrigan MP (Chair)

Hon Robert Brown MLC

Hon Richard Colless MLC

Mrs Dawn Fardell MP

Mr David Harris MP

Mr Daryl Maguire MP

Dr Andrew McDonald MP

Hon George Souris MP

Apologies

Ms Noreen Hay MP

Hon Ian West MLC

...

2. Inquiry into Heavy Vehicle Safety – Hearings and Inspections

The Committee deliberated on the future conduct of the Inquiry.

Resolved on the motion of Mr Maguire:

“That the Committee agrees to the proposed list of witnesses, with the addition of the NRMA, for a public hearing to be conducted in Sydney on a date to be determined”.

Resolved on the motion of Mr Harris:

“That arrangements be made to conduct a public hearing at Dubbo and inspections in connection with the Inquiry on dates to be determined.

...

Minutes of Proceedings of the Joint Standing Committee on Road Safety (No. 32)

Wednesday 17 March 2010 at 1:05pm

Parliament House, Room 814-815

Members Present

Mr Geoff Corrigan MP (Chair)

Hon Robert Brown MLC

Hon Richard Colless MLC

Mrs Dawn Fardell MP

Mr David Harris MP

Mr Daryl Maguire MP

Dr Andrew McDonald MP

Hon George Souris MP

Hon Ian West MLC

Apologies

Ms Noreen Hay MP

...

2. Heavy Vehicle Safety Inquiry Program

The Committee deliberated on the program of inspections and public hearing to be conducted at Dubbo and Wagga Wagga on 24 and 25 May 2010.

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Minutes of Proceedings of the Joint Standing Committee on Road Safety (No. 33)

Monday 17 May 2010 at 9.30am

Parliament House

Members Present

Mr Geoff Corrigan MP (Chair)

Mrs Dawn Fardell MP

Mr David Harris MP

Ms Noreen Hay MP

Mr Daryl Maguire MP

Dr Andrew McDonald MP

Hon George Souris MP

Hon Ian West MLC

Apologies

Hon Robert Brown MLC

Hon Richard Colless MLC

Inquiry into Heavy Vehicle Safety

The Committee commenced its hearing at 9.30am. The public was admitted.

NSW Roads and Traffic Authority

Dr Raymond Franklin Soames Job, Director NSW Centre for Road Safety, was affirmed and examined.

Evidence completed, the witness withdrew.

NatRoad

Mr Bernard James Belacic, Chief Executive Officer, was sworn and examined.

Evidence completed, the witness withdrew.

Livestock and Bulk Carriers Association (LBCA)

Mr Andrew Stephen Higginson, Executive Director, was sworn and examined.

Mr James Thomas Savage, Vice President, Mr Bryan Gregory Hayes, President, and Mr Robert Gerard Richardson, Committee Member, were affirmed and examined.

Evidence completed, the witnesses withdrew.

WorkCover NSW

Mr John Stuart Watson, General Manager Occupational Health and Safety, and Mr Anthony John Williams, Team Manager, Manufacturing, were sworn and examined.

Evidence completed, the witnesses withdrew.

The Committee adjourned the hearing at 12.35pm and reconvened at 12.40pm for a deliberative meeting.

The Committee adjourned the deliberative meeting at 12.50pm and recommenced the public hearing at 1.30pm. The public was admitted.

NSW Farmers' Association

Mr Benjamin James Mason, Policy Manager, was sworn and examined.
Evidence completed, the witness withdrew.

Australian Trucking Association (ATA NSW)

Ms Jill Lewis, Manager, and Mr Jonathan James Luff, Chair, were sworn and examined.
Evidence completed, the witnesses withdrew.

Transport Workers' Union (TWU)

Mr Anthony Vincent Sheldon, National Secretary, Mr Wayne Forno, NSW State Secretary, Mr Garth Mulholland, Chief Adviser NSW, Mr Frank Arcidiaco (aka Black), Truck Driver, and Mr Sam Catena, Truck Driver, were sworn and examined.
Evidence completed, the witnesses withdrew.

Reedie Road Pty Ltd

Mr Murray Andrew Reedie, Director, was sworn and examined.
Evidence completed, the witness withdrew.

Adjournment

The Committee adjourned at 3.50pm until 9.00am, Monday 24 May 2010, at Dubbo.

Minutes of Proceedings of the Joint Standing Committee on Road Safety (No. 34)

Monday 17 May 2010 at 12:40pm

Parliament House

Members Present

Mr Geoff Corrigan MP (Chair)

Mrs Dawn Fardell MP

Mr David Harris MP

Ms Noreen Hay MP

Mr Daryl Maguire MP

Dr Andrew McDonald MP

Hon George Souris MP

Hon Ian West MLC

Apologies

Hon Robert Brown MLC

Hon Richard Colless MLC

...

2. Heavy Vehicle Safety Inquiry – Inspections

Dr McDonald advised the Committee that he would be absent from the Committee's tour of inspections to Dubbo, Wagga Wagga and Tarcutta on 24 and 25 May 2010.

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Minutes of Proceedings of the Joint Standing Committee on Road Safety (No. 35)

Monday 24 May 2010 at 8.50am

Dubbo City Council

Members Present

Mr Geoff Corrigan MP (Chair)

Hon Robert Brown MLC

Hon Richard Colless MLC

Mrs Dawn Fardell MP

Mr David Harris MP

Ms Noreen Hay MP

Mr Daryl Maguire MP

Hon George Souris MP

Hon Ian West MLC

Apologies

Dr Andrew McDonald MP

Inquiry into Heavy Vehicle Safety

The Committee commenced its hearing at 8.50am. The public was admitted.

Mr Roderick Michael Hannifey, Heavy Vehicle Operator, was sworn and examined.

Evidence completed, the witness withdrew.

Adjournment

The Committee adjourned at 9:55am to conduct inspections of heavy vehicle facilities along the Newell Highway, from Dubbo to Tarcutta, NSW.

Minutes of Proceedings of the Joint Standing Committee on Road Safety (No. 36)

Wednesday 23 June 2010 at 1:00pm

Parliament House

Members Present

Mr Geoff Corrigan MP (Chair)

Hon Robert Brown MLC

Mrs Dawn Fardell MP

Mr David Harris MP

Mr Daryl Maguire MP

Dr Andrew McDonald MP

Hon George Souris MP

Apologies

Hon Richard Colless MLC

Ms Noreen Hay MP

Hon Ian West MLC

...

2. Heavy Vehicle Safety Inquiry – Publication of Evidence

Resolved on the motion of Mrs Fardell:

“That the Committee authorises the publication of the evidence taken at the public hearings in Sydney on 17 May 2010 and Dubbo on 24 May 2010 and orders that the corrected transcripts be placed on the Committee’s Parliamentary website.”

The Committee deliberated on conclusions and recommendations arising from the conduct of the Inquiry and for inclusion in the Chair’s draft report.

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Minutes of Proceedings of the Joint Standing Committee on Road Safety (No. 37)

Wednesday 1 September 2010 at 1:00pm

Parliament House

Members Present

Mr Geoff Corrigan MP (Chair)
Hon Robert Brown MLC
Dr Andrew McDonald MP

Hon George Souris MP
Hon Ian West MLC

Apologies

Hon Richard Colless MLC
Mrs Dawn Fardell MP
Mr David Harris MP

Ms Noreen Hay MP
Mr Daryl Maguire MP

...

2. Heavy Vehicle Safety Inquiry – Publication of Submission

Resolved on the motion of Mr Brown:

“That the Committee authorises the publication of the submission from Trans-Help Foundation Ltd received on 28 May 2010 and orders that it be placed on the Committee’s Parliamentary website.”

...

Minutes of Proceedings of the Joint Standing Committee on Road Safety (No. 38)

Wednesday 8 September 2010 at 1:00pm

Parliament House

Members Present

Mr Geoff Corrigan MP (Chair)
Hon Robert Brown MLC
Mr David Harris MP
Mr Daryl Maguire MP

Dr Andrew McDonald MP
Hon George Souris MP
Hon Ian West MLC

Apologies

Hon Richard Colless MLC

Ms Noreen Hay MP

Mrs Dawn Fardell MP

3. Heavy Vehicle Safety Inquiry – Consideration of Chair's Draft Report

The Committee considered the report and recommendations in detail.

Resolved on the motion of Mr Brown:

“That the Committee adopts the Chair's draft report into Heavy Vehicle Safety, as amended, and authorises the Secretariat to make appropriate final editing and stylistic changes, as appropriate.”

...