

# STAYS SAFE 52

## RESPONSES OF GOVERNMENT AGENCIES TO RECOMMENDATIONS IN STAYS SAFE REPORTS OF THE 51ST PARLIAMENT

Incorporating edited transcripts of evidence  
and certain submissions received

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## CHAIRMAN'S FOREWORD

**Grant McBride MP, Member for The Entrance**  
Chairman, STAYSAFE  
Joint Standing Committee on Road Safety

This report documents the responses of Government to the twenty two STAYSAFE Committee reports Tabled over the period of the 51st Parliament (1995-1999).

In all, the STAYSAFE Committee made 134 recommendations in thirteen of its twenty two reports during the 51st Parliament, addressing a myriad of issues arising from inquiries that examined the driver licensing system in New South Wales, pedestrian safety, the need for adoption of a general urban speed limit of 50 km/h, driver fatigue, issues in drink driving and drug driving, illegal street racing, the development of national road traffic law, and road safety administration. As well, during the 51st Parliament the STAYSAFE Committee commenced a process of review of road safety activities on an annual basis, completing four reports examining the years 1994-1997, inclusive. The STAYSAFE Committee also hosted five seminars or conferences, issuing five reports of the proceedings of these meetings.

As was established in earlier reviews of the Government's response to the STAYSAFE Committee's findings and recommendations (see STAYSAFE 23, 1992; STAYSAFE 33, 1996), it is clear that the Committee's various investigative mechanisms yield outcomes that are highly influential in the development of policy and practice to reduce road trauma in New South Wales.

The STAYSAFE Committee's formal inquiry process, which is extensive and consultative, results in findings and recommendations that are usually well received. For the reports of inquiries over the period 1995-1999, the implementation of the STAYSAFE Committee's recommendations regarding 50 km/h urban speed limits (STAYSAFE 34, 1996; STAYSAFE 40, 1997) and the revamping of graduated driver licensing rules for new drivers (STAYSAFE 37, 1997) should, in particular, result in an improved road safety outcome for New South Wales.

The STAYSAFE Committee's annual reviews of road safety activities have begun to yield important benefits. In but one example, the Committee was able to document that the Road Safety 2000 program for a strategic reduction in the overall number of road fatalities and serious injuries in New South Wales - the 'road toll' - was plateaued or stalled. Under targets endorsed in late 1995 by the Premier, the Hon. Bob Carr MP, and the Minister for Roads, the Hon. Carl Scully MP, the Roads

and Traffic Authority is committed to taking such necessary and sufficient actions to achieve a New South Wales road toll of less than 500 road deaths and less than 5,500 serious road injuries by the end of the year 2000. It is now clear that these road trauma reduction targets will be missed, possibly by up to 20% over the predicted level for the end of 2000 (i.e., towards 600 road deaths in New South Wales). Through the annual reviews, the Committee was able to pursue appropriate lines of inquiry about specific aspects of road safety - and also regarding management and administration - that held promise for better integration and collaboration across the major portfolio areas involved in road safety-related activities. In this way, the Committee was able to maintain a consistent focus on the Government's overall policies and efforts to address road trauma.

Finally, the STAYSAFE Committee's seminars and conferences offer an opportunity to promote a more open engagement of Parliament with the New South Wales community, using the facilities and services in Parliament House to examine issues of particular concern in the improvement of road safety in New South Wales and Australia. The opportunity to develop partnership arrangements with outside professional and industry organisations is an added benefit that flows from the seminar process. The Committee has found that the seminars can serve as a catalyst for road safety research and development activities, and highlight significant areas of policy development or desirable practice.

## **Acknowledgments**

The STAYSAFE Committee appreciates the efforts of Ministers with portfolio responsibilities associated with road safety to provide the Committee with the most complete and up-to-date information regarding the responses of Government to the recommendations made in the reports STAYSAFE 28-49 over the period 1995-1999.

I am pleased to have had the assistance of my colleagues, from the Government, Opposition and cross benches, throughout the process of compiling the Government's response to the previous work of the STAYSAFE Committee. The task of collating, organising and editing the information documented in this report was performed by staff of the STAYSAFE Secretariat: Mr Ian Faulks, Director, Ms Violeta Brdaroska, Committee Officer, and Ms Carlyne Allen, Assistant Committee Officer.

I commend this report to Parliament.

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## **RESPONSES TO RECOMMENDATIONS IN STAYSAFE REPORTS OF THE 50TH PARLIAMENT**

A report prepared by the STAYSAFE Committee in exercise of its terms of reference that,

“as an ongoing task, the Committee is to:

- (a) monitor, investigate and report on the road safety situation in New South Wales; and
  - (b) review and report on countermeasures aimed at reducing deaths, injuries, and the social and economic costs to the community arising from road accidents.”
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# 1

## COMMENTARY

*Government responses to reports of Parliamentary Committees - Responses to the findings and recommendations of STAYSAFE reports - The STAYSAFE 20 (1993) report - The organisation of this report*

1.1 This report documents the response of Government to the findings and recommendations made in the twenty two reports released by the STAYSAFE Committee over the period 1995-1998. The report contains written responses received by STAYSAFE as part of its 1998 annual business report process.

1.2 The specific question addressed to Ministers with portfolio responsibilities in the area of road safety was:

*During the lifetime of the 51st Parliament, the STAYSAFE Committee Tabled a number of reports making recommendations for action. What actions have been taken with regard to each of the recommendations made in these reports that fall within the portfolio responsibility of the Minister for .....?*

The replies of the Ministers were Tabled at a public hearing in September 1999.

### **Government responses to reports of Parliamentary Committees**

1.3 STAYSAFE is very conscious of the need to continue to identify and evaluate what is being done, and what is being spent, in attempts to improve road safety. There is a very strong argument for Parliament to be kept apprised of the Government's response to a Parliamentary Committee's findings and recommendations.

1.4 STAYSAFE is satisfied that the action undertaken in this report, namely a quadrennial review after each general State election of the response of Government to the STAYSAFE reports of the previous Parliament, provides an appropriate avenue for STAYSAFE's work to be assessed through examination of the response to findings and recommendations for action arising from reports of inquiries. STAYSAFE's annual review process, the program of public seminars, and the announcement of specific inquiries (where appropriate), provide further means of monitoring and

assessing the response of Government to the findings and recommendations reported in the various STAYS SAFE reports.

### **Responses to the findings and recommendations of STAYS SAFE reports**

1.5 In STAYS SAFE 33 (1996) it was observed, that as a general rule, it seemed that a full assessment of the response by Government to the findings and recommendations for action made in a Parliamentary report could take between one and three years, as this seemed to be the period of time required for many of the technical and policy recommendations made by STAYS SAFE to have been evaluated, trialed and tested, or otherwise acted upon.

1.6 Four years later, it seems that the time lag between the release of a STAYS SAFE report and the implementation of the findings and recommendations by Government agencies remains. For example, the announcement of the comprehensive set of initiatives arising from the STAYS SAFE 37 (1997) report on new drivers was made in late 1999, to take effect from mid-2000—a delay of some three years.

1.7 There are some indications that the time lag may be increasing. For example, the introduction of habitual traffic offender legislation—a major recommendation of STAYS SAFE 20 (1993)—occurred in the Traffic (Habitual Traffic Offender) Rule 1999 made under the Justices Act 1902, that is, some six years after the initial recommendation.

1.8 Similarly, the introduction of a 50 km/h general urban speed limit in New South Wales, which had been the subject of a recommendation in STAYS SAFE 34 (1996), has still not occurred, although there has been a widespread adoption of a proxy measure—the 50 km/h local area speed limit—throughout local government areas in New South Wales. Indeed, local councils in western New South Wales have told STAYS SAFE that if the intention is to continue with a process of piecemeal adoption of 50 km/h local area speed limits that is dependent on the request of individual local councils, then they will continue to refuse to co-operate, but if the Government simply says that 50 km/h will be the new general urban speed limit they will comply.

1.9 STAYS SAFE had noted that perhaps the only exceptions to this general observation of delays in implementing recommendations arise when specific legislative action is recommended (see, e.g., the legislative responses to recommendations made in STAYS SAFE 24, 1992 concerning livestock warning signs, and STAYS SAFE 25, 1993 regarding criminal actions resulting in death or serious injury). However, even when a simple legislative remedy was identified, substantial delays in action still occur, as in the situation of legislative reform to allow alternative blood sampling technologies to be used to collect blood from suspect drink-drivers and drug-drivers (see STAYS SAFE 45, 1998).

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## **The STAYSAFE 20 (1993) report**

1.10 STAYSAFE continues to be concerned that the findings and recommendations of the STAYSAFE 20 (1993) report into the offences and penalties applicable to drink-drivers and drug-drivers have not been implemented in a systematic manner, but rather individual recommendations have been adopted in a piecemeal fashion over the past 3-4 years—including laws for dealing with habitual traffic offenders, laws relating to the confiscation of car keys of drink drivers and vehicle impoundment (applying to street racing offenders rather than to drink drivers), and a review of the effectiveness of traffic offender programs.

1.11 STAYSAFE 20 was a comprehensive report that sought to identify, review and recommend initiatives to further reduce the rates of drink-driving and drug-driving in the New South Wales community. Currently, the use of random breath testing is the primary weapon in addressing alcohol-impaired driving in New South Wales, and this single countermeasure has been associated with a 30-50% reduction in road trauma associated with alcohol over the last fourteen years. It remains, however, that between one fifth to one quarter of fatal crashes in New South Wales are associated with an illegal blood alcohol concentration in at least one driver involved in the crash.

1.12 Internationally, other countries report much lower rates of illegal alcohol involvement in fatal crashes. Some countries have also developed other countermeasures to alcohol-impaired driving, including administrative licence revocation for drink-drivers (independent of the court system), and habitual traffic offender laws for repeat drink-driver offenders.

1.13 STAYSAFE explored these additional drink-drive countermeasures in a comprehensive and detailed report. The STAYSAFE 20 (1993) report received extensive publicity, both prior to and after it was tabled. The community response, as received and monitored by STAYSAFE, was very supportive for the proposed measures detailed in the report. It is therefore disappointing that the response of Government to the report has been piecemeal at best, and dismissive in general. The initial advice of the Roads and Traffic Authority in relation to each and every recommendation was that as a Cabinet Minute proposing adoption of certain recommendations of STAYSAFE 20 (1993) had been submitted to the previous Government in mid-1994, Cabinet confidentiality applied to any discussion of the Roads and Traffic Authority's response to the report and its findings. Apparently, it did not matter that the Cabinet Minute did not proceed.

1.14 STAYSAFE suggests it could be well worth the Roads and Traffic Authority reviewing its position regarding the findings and recommendation of the STAYSAFE 20 (1993) report, particularly in light of the current situation where the New South Wales road toll is no longer reducing and where it appears that drink-driving rates among New South Wales drivers are on the increase.

## **The organisation of this report**

1.15 The subsequent chapters of this report document the responses of Government to the twenty two reports of the 51st Parliament's STAYSAFE Committee (STAYSAFE 28-49, Tabled over the period 1995-1998). The responses are organised as follows:

Each chapter deals with the findings and recommendations of a single report, for example, '**RESPONSES TO STAYSAFE 34 (1996)**'

Each recommendation made by STAYSAFE in the report is listed in full, in the form in which it appeared in the original report, for example, '**The general urban speed limit in New South Wales be reduced by 10 km/h from 60 km/h to 50 km/h, and that the Minister for Roads amend the Traffic Act 1909 s.4A(2)(a) to provide for a default speed limit of 50 km/h for any public street subject to street lighting and for which the Roads and Traffic Authority has given no direction regarding a speed limit.**'

The actions taken by Ministers and the agencies they administer are listed under the heading: '**The Government response**', and specific responses of each agency are listed in turn. Where applicable, the responses of each agency follow the order they were listed in the recommendation. Where no agency was identified in the recommendation, the general order of precedence is the Roads and Traffic Authority, followed by the New South Wales Police Service, and then other agencies as appropriate.

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# 2

## RESPONSES TO STAYSAFE 28 (1995)

### *General comment - The Government response*

#### **General comment**

2.1 STAYSAFE 28 (1995), a report of the proceedings of a public seminar on sleeping disorders and driver fatigue held on 14 November 1994, deals with critical issues in road safety concerning drowsy or sleepy drivers. Driver fatigue is increasingly being recognised as one of the major causes of road trauma. Driver fatigue is notoriously difficult to define, but is associated with reduced attention and with sleepiness or drowsiness.

2.2 Expert opinion accepts that fatigue can be associated with physical exertion or mental exertion; with unchanging external conditions; with the use of alcohol or other depressant drugs; and is also dependent on an individual's own physiology; the elements of the surrounding environment (noise, heat, vibration); and whether an individual has adequate and proper sleep.

2.3 Excessive sleepiness results in an increased risk of motor vehicle crashes, either because the driver falls asleep whilst driving, or the driver is inattentive due to sleepiness. Most drivers have experienced feeling sleepy while driving; a significant proportion of drivers have actually fallen asleep at the wheel. While the commonest cause of excessive sleepiness in the community is insufficient sleep, other causes include sleep disorders such as sleep apnoea, narcolepsy and periodic movements in sleep.

2.4 Excessive sleepiness results in an increased risk of motor vehicle accidents. These accidents are secondary to crashes caused by the driver falling asleep whilst driving, or inattention due to sleepiness, or sleepiness augmenting the decline of driving performance caused by even small amounts of alcohol. Surveys have shown that between 15-25% of the population report having fallen asleep at the wheel.

2.5 Over the 1993-94 period, three seminars on sleep disorders, driver fatigue and road safety were held in Australia. The first, hosted by the National Road Transport Commission, was held in Melbourne in April 1993. A second seminar was held in Brisbane in November 1993, hosted by



Queensland Transport. STAYSAFE hosted the final seminar in the series in Sydney in November 1994.

2.6 In all, over thirty papers dealing with issues associated with sleep disorders, fatigue and safe driving were presented at these three seminars. All of the major papers presented to these seminars are now in the public domain. The proceedings of the Sydney seminar were published in STAYSAFE 28 (1995), and the report contained, as an appendix, the edited transcripts of the main presenters at the Melbourne seminar. The proceedings of the Brisbane seminar were published by Queensland Transport last year.

2.7 The STAYSAFE 28 (1995) report enabled the public and the road safety experts access to a definitive series of papers on all aspects of driver fatigue. The range of speakers was comprehensive, with papers by medical specialists in the physiology of sleep and the diagnosis of sleep disorders, and papers by representatives of the trucking industry both as operators and as regulators of the industry.

2.8 STAYSAFE noted the initiative of peak body organisations such as the Australian Trucking Association in establishing industry-led programs that address all aspects of driver health and fitness. The task of providing answers to the problems posed by driver fatigue require these types of cooperative, general approaches. In recent years the road transport industry has recognised that it, and not governments, has the primary responsibility to act to raise standards of trucking performance, standards, and safety. Four key areas of self regulation have been identified: driver health, driver training, management systems and standards, and vehicle maintenance. Driver health is a critical component. On industry initiative, drivers are being given information on side effects of amphetamines, eating healthy on the road, smoking, fatigue and many others. A fatigue management trial is being conducted in Queensland. Overall the program is not just about drivers' health, it is about improving the road transport industry. The industry will be safer, less fatigued and hence less likely to use psychostimulants to fight fatigue. The program has gained momentum, not only is it world best practice, it is a world first initiative.

2.9 STAYSAFE also heard from legal experts about the criminal and civil liabilities of drivers who are affected by fatigue and who are culpably involved in a road crash. The criminal law in this area is well defined, but it is also complex, and crash investigation of road crashes where driver fatigue is suspected must be done carefully.

2.10 STAYSAFE paid particular attention to the medical disorder of sleep apnoea. There is little doubt that the consequences of sleep apnoea are a risk to health and well-being as well as to overall productivity and quality of life. One of the primary outcomes of apnoea is daytime hypersomnia, which increases the risk of injury at the workplace. For those involved in the transport industry of course, this can be injurious, if not fatal.

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2.11 STAYSAFE also heard comment relating to insurance and legal matters involving driver sleep disorders and the way they may be overcome. Driver fatigue is a particular problem facing people who drive for work purposes. Most states and territories have Occupational Health and Safety Acts in place and in general terms both employer and employee are charged with the responsibilities for the health and safety of themselves, other employees and other persons with whom they come into contact in their work environment. If an accident were to occur in the workplace and following investigation it was found the employer and/or employee were negligent, both of these parties could receive financial fines. Ian Callinan QC—now a judge of the High Court—covered this scenario in his paper to the sleep disorder seminar in Queensland in 1993 and left no doubt that both employer and employee could be liable to fines for not maintaining safe work practices in relation to fatigue and sleep disorders. Employers should take action to ensure that their drivers, as employees, are about to work with safety. This would suggest that a medical examination prior to employment, and possibly at later dates during employment, would be prudent actions. The employee also has a duty of care to inform the employer if that person had any condition or infirmity which affected that person's ability to perform the job or task in safety.

2.12 Road safety is clearly an issue of national significance in a country such as Australia. For safe roads, there is a clear need to identify individuals with problems of vigilance due to sleepiness. Many factors contribute to the occurrence of fatigue road accidents and increased risk of fatigue accidents. These factors include sleep deprivation, time on the task, time of day effects, effects of medications, insomnia and sleep disorders such as sleep apnoea and factors which 'unmask' existing fatigue such as monotony. These factors will often interact with each other, making the task of tracing back from accidents to contributing factors a difficult one. This effectiveness of screening remains to be established and effectiveness of treatment needs documentation. Whether the measures would be cost effective would depend, again, on the effectiveness of the measures and also on the cost of screening and treatment and the extent of other, non-road safety benefits.

2.13 The publication of the proceedings of the three seminars into sleep disorders, driver fatigue and safe driving has assisted the ongoing effort involving all Australian jurisdictions to deliver a safe and efficient road transport system to all Australians.

### **The Government response**

No comment was received from the Government.

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# 3

## RESPONSES TO STAYSAFE 29 (1995)

*General comment - Responses to specific recommendations*

### General comment

3.1 STAYSAFE 29 (1995), entitled 'Pedestrian safety. II. Cleaning windscreens and other itinerant commercial activities on or alongside the roadway' was the second of a series of reports that addressed pedestrian issues. STAYSAFE 29 dealt with the difficult public problem posed by adults and children wandering onto our roads touting motorists to clean the windscreens of their vehicles.

3.2 STAYSAFE was asked to examine this issue as part of its ongoing inquiry into pedestrian safety matters by the Minister for Police. STAYSAFE expressed its strong concern for public safety and efficient traffic movement if persons are permitted to wash the windscreens of motor vehicles, sell newspapers, collect monies for charities or similar activities on carriageways of public streets. STAYSAFE accepted evidence presented during the inquiry that such activities are potentially dangerous and interfere with the safe and efficient movement of traffic. Further, STAYSAFE believes that persons seeking to wash the windscreens of vehicles stopped at street intersections or engage in other similar activities are placing themselves in a situation of potential, and often real, danger of hurt and harm.

3.3 STAYSAFE was particularly concerned that young children and teenagers are engaging in these activities. STAYSAFE did not accept evidence presented during the inquiry that these activities provide a necessary, or even useful, social function. The nub of the issue was to seek to reconcile an impasse which has arisen between the New South Wales Police Service on the one hand, and the Roads and Traffic Authority on the other. The police argued that the current traffic law does not allow them to deal with persons conducting itinerant roadside activities such as the cleaning of windscreens. The Roads and Traffic Authority, on the other hand, argued that police already have appropriate power under existing traffic law, and no change to the law is necessary.

3.4 The investigation by STAYSAFE led to the conclusion, on the basis of the verbal evidence and other materials presented for consideration, that the current legislation is not adequate to address the problems associated with permitting persons to wash the windscreens of motor vehicles, sell

newspapers, collect monies for charities or similar activities on carriageways of public streets. Therefore, additional legislation is required to control the activities of persons who engage in itinerant commercial activities on or alongside the carriageway of public streets. Police enforcement activity should be taken against persons who engage in itinerant commercial activities on or alongside the carriageway of public streets. In some circumstances, such as the sale of fruit and vegetable produce or the sale of flowers, the power of the roads authority or of local government authorities to permit such activities under safe conditions should be maintained. However, children and juveniles should not be permitted to engage in these activities. STAYSAFE believes that the specific activity of children or adults washing vehicle windscreens while traffic is stopped at intersections is undesirable, and any observance of such conduct should be followed by immediate police intervention. In general, the responsibilities of drivers of motor vehicles under existing legislation in respect of permitting persons to wash the windscreens of motor vehicles, sell newspapers, collect monies for charities or similar activities on carriageways of public streets should remain unchanged. This is not to say that drivers or passengers of vehicles may permit or encourage such activities in situations where some danger is likely to exist for road users, and in particular, some likelihood of danger to the person(s) seeking to perform the activities. But STAYSAFE concluded, based on the evidence presented during the inquiry, that it is not necessary to introduce a specific offence whereby the driver of a motor vehicle being driven on a public street is guilty of an offence if the driver or a passenger being conveyed in the vehicle request or permit persons to engage in transactions associated with itinerant commercial activities on or alongside the carriageway of public streets.

3.5 This report by STAYSAFE deals with the simple situation of persons—adults and children—who seek to earn some extra cash by selling a service at the roadside. This is a simple purpose, but it raised concerns about public safety and about the impedance of traffic. Such simple actions as seeking to wash vehicle windscreen on the road or at the roadside expose, on detailed examination, difficult issues for resolution. The matters examined by STAYSAFE in this report have shown that the current process to develop nationally uniform traffic law—the Australian Road Rules—has not provided sufficient consideration to the law as it relates to pedestrian movement.

## **Responses to specific recommendations**

**RECOMMENDATION 1: The Minister for Roads amend the Traffic Act 1909, or any statutory instrument made under the Act, to:**

- (i) prohibit any person on the roadway who:**
    - (a) in the course of offering for sale any goods or service, or**
    - (b) in the pursuit of any business, calling or employment for reward or otherwise, impedes or interferes, or is likely to impede or interfere, with the progress or convenience of others;**
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- (ii) **this provision is not to apply to a police officer, member of the emergency services, or any other person as designated by the roads authority or the Minister, for their actions in the lawful conduct of their duties.**

### **The Government response**

The Roads and Traffic Authority advised that under Section 7 of the General Traffic (Pedestrian) Regulations 1937, it is an offence for any person to, inter alia:

- obstruct, hinder or prevent the free passage of any person or any vehicle,
- stand at or near the corner of any footpath to the inconvenience, annoyance or obstruction of any person,
- stand or loiter to the inconvenience, annoyance or obstruction of any person,
- fail to observe or comply with any reasonable direction of any member of the Police Force as to the regulation of traffic.

The Street Vending guidelines reinforce the applicability of these provisions to the cleaning of windscreens and other activities. It was noted that when Roads and Traffic Authority witnesses appeared before STAYSAFE about this issue (i.e., Mr Chris Ford, Mr Bob Reece, and others) they advised that the existing law was adequate to control any perceived problem.

### **Comment**

STAYSAFE notes that regardless of this response by the Roads and Traffic Authority, the repeal of the Traffic Act 1909 (and regulations made under the Act—Motor Traffic Regulations 1936, General Traffic Regulations 1916, General Traffic (Pedestrian) Regulations 1937) in December 1999 and its replacement with the New South Wales road transport legislation incorporating the Australian Road Rules has resulted in an inability of police to control problems associated with itinerant commercial activities on or alongside the roadway.

**RECOMMENDATION 2: The Commissioner of Police, after consultation with the Minister for Police, issue an instruction to police officers to caution motorists who request or permit a person to:**

- (a) **offer for sale any goods or service; or**
- (b) **pursue any business, calling or employment for reward or otherwise;**

**that impedes or interferes, or is likely to impede or interfere, with the progress or convenience of others.**

### **The Government response**

The New South Wales Police Service advised in August 1999 that the current guidelines for issuing warnings and cautions by police appeared in the New South Wales Police Service Handbook at page T6.

**Comment**

STAYSAFE notes that it is unclear what the current advice to police is following the repeal of the Traffic Act 1909 (and regulations made under the Act: Motor Traffic Regulations 1936, General Traffic Regulations 1916, General Traffic (Pedestrian) Regulations 1937) in December 1999 and its replacement with the New South Wales road transport legislation incorporating the Australian Road Rules.

**RECOMMENDATION 3: The Roads and Traffic Authority review the existing guidelines for street vending, including itinerant commercial activities on or alongside the roadway, and publish revised guidelines that incorporate legislative changes affecting the responsibilities of roads and local government authorities, and reflect the many different circumstances that may arise in pedestrian-vehicle interactions.**

**The Government response**

The Roads and Traffic Authority replied that revised street vending guidelines were published jointly by the Roads and Traffic Authority and the Department of Local Government in August 1996. The Roads Amendment (Street Vending ) Act 1996, introduced into the Roads Act 1993, includes a number of provisions in respect of consents for the use of a structure in a built up area for the purpose of selling any article or service. Section 139F requires compliance with Section 6 of the guidelines when granting consent for such a structure. Section 138 requires the Roads and Traffic Authority's concurrence if the structure is to be in a classified road.

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# 4

## RESPONSES TO STAYSAFE 30 (1996)

*General comment - Responses to specific recommendations*

### General comment

4.1 STAYSAFE 30 (1996), entitled 'Pedestrian safety. III. Bicycle courier activities in the Sydney central business district' was the third of a series of reports that addressed pedestrian issues, in this case, issues arising from the interaction between pedestrians and bicyclists within a busy and crowded urban environment. The review of bicycle courier activities was undertaken by STAYSAFE following the receipt of a Ministerial Reference from the Minister for Transport, the Hon. Brian Langton MP.

4.2 A truism in the courier transport industry is "—if time is money, speed is profit—". This is surely true when you look at the activities of bicycle couriers in the Sydney central business district, where the speed of cycle movements in pedestrian areas and on roadways, and the disregard of cyclists for traffic law have been highlighted as major issues of concern. Complaints about illegal and irresponsible behaviour by riders are commonplace, with pedestrians being struck down, and widespread abuse of traffic laws relating to traffic signals and signage.

4.3 It has been a difficult exercise indeed to gain insight into the nature of bicycle courier activities and the safety problems associated with this new industry,. Very little is published about bicycle couriers, apart from continuing media reporting about problems with the riders.

4.4 The bicycle courier industry developed in Sydney during the 1980's, providing a rapid and efficient means of transferring documents and small parcels throughout the inner city area. However, by the beginning of the 1990's concerns about illegal and irresponsible behaviour by riders were becoming commonplace, with pedestrians being struck down, and widespread abuse of traffic laws relating to traffic signals and signage. The anonymity of bicycle couriers posed problems for both police enforcement and public complainants, with few riders being able to be identified after incidents occurred, and a major problem arising with the non-payment of traffic infringement fines.

4.5 Voluntary schemes seeking to provide a framework to control illegal behaviour and to promote safe and legal riding behaviour implemented by Sydney City Council, and later by the

Department of Transport were unsuccessful. The STAYSAFE 30 (1996) report documents these schemes, and identifies the reasons for their failure. The problems associated with bicycle courier activities continued as these voluntary schemes collapsed.

4.6 In STAYSAFE's view, the effective control of bicycle couriers requires a new regulatory system—a Bicycle Courier Regulation, as it were. STAYSAFE proposed some of the necessary elements of the regulation of bicycle courier activities:

- a compulsory scheme of accreditation for bicycle couriers
- the compulsory carriage of identification documents by bicycle couriers
- the wearing of registration numbers by riders that are clearly visible to the public
- a bond to be lodged against unpaid fines—STAYSAFE suggested \$500 would be suitable
- increased penalties for traffic offences, up from \$39 per offence to be equivalent to the monetary penalties for the same offences when driving a motor car (in general, these are in the range of \$100-200, depending on the offence)
- police powers to seize and impound the bicycles of courier riders

4.7 STAYSAFE also examined future strategies that could be adopted to facilitate bicycle courier movements without compromising pedestrian safety or the safe and efficient movement of motor vehicles in downtown Sydney. These strategies include:

- designated cycling paths
- shared pedestrian zones
- the re-routing of existing roadways
- the development of new road links

4.8 On a wider scale, STAYSAFE endorsed improved consultative approaches through the development of planning and advisory bodies that can address the wider issues of the needs of bicyclists within the downtown Sydney area, and the need to ensure a safe and accessible city. I note here the formation of the City Safety Task Force by the current Lord Mayor, Cr Frank Sartor, and the recent formation of the Pedestrian Council of Australia to provide advocacy of pedestrian safety and amenity.

4.9 STAYSAFE noted that there is no 'quick fix' that can be used to solve the problems associated with bicycle couriers immediately and completely. Rather, STAYSAFE sought to provide an overview of the bicycle courier industry in all its aspects, and to identify a number of areas where appropriate and careful intervention should yield improved behaviour by bicycle couriers and a safer downtown Sydney community.

4.10 STAYSAFE made recommendations that, on the evidence available, should be well received by those associated with the bicycle courier industry, or with responsibilities in the administration of transport matters in New South Wales and with the safe and efficient management of the Sydney

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central business district. Some recommendations provide for immediate action to limit the risks associated with bicycle courier activities. Other recommendations are derived from a longer term view, and provide for the availability of timely and appropriate information about bicycle courier activities as the downtown Sydney area develops and grows into a truly accessible city.

4.11 STAYSAFE wishes it to be clearly understood that the focus of this report and its recommendations is on bicycle courier activities, that is, where a person is performing work by conducting a commercial activity involving the transport of goods for profit. STAYSAFE recognises it is possible to advance an argument that children riding a bicycle to deliver newspapers on a paper run, or similar such activities, can be considered to be performing work of the same nature as bicycle courier work. However, STAYSAFE believes that regulatory action regarding the bicycle courier industry should ensure that children's paper runs and similar activities are excluded.

## **Responses to specific recommendations**

**RECOMMENDATION 1: The Attorney General consider the use of the term 'vehicle' in the definitional provisions of Chapter 6 of the Industrial Relations Bill 1996 relating to contracts of carriage, rather than use of the phrase 'motor vehicle or bicycle'.**

### **The Government response**

The Attorney General replied that the Department of Industrial Relations has considered this proposal and has advised it is of the view that there is value in explicitly including a reference to bicycles for the purposes of Chapter 6.

**RECOMMENDATION 2: The New South Wales Police Service continue to support the use of uniformed and 'plain clothes' bicycle patrols in the Sydney police district, with specific tasking for enforcement of illegal bicycle courier activities as well as tasking in other areas of crime control, as needed.**

### **The Government response**

The New South Wales Police Service advised that police attached to Local Area Commands and Highway Patrol within City East Region conduct regular operations targeting illegal bicycle courier activities.

**RECOMMENDATION 3: The Minister for Roads amend the Traffic Act 1909 and any associated statutory rules, as applicable, to provide for a penalty for proven traffic offences while riding a bicycle to be a substantial monetary fine.**

**The Government response**

The Roads and Traffic Authority replied that it did not support this recommendation. It is not currently intended to regulate bicycle couriers. The Roads and Traffic Authority has reviewed the STAYSAFE 30 (1996) report and proposed strategies to ensure the safety of other road users relative to the activities of bicycle couriers. The proposal is under consideration. Meanwhile, the Roads and Traffic Authority allocated \$90,000 to support an enhanced enforcement operation with the City East Region of the New South Wales Police Service up to the end of June 1999 which specifically targeted bicycle couriers.

**Comment**

STAYSAFE is not satisfied with the response of the Roads and Traffic Authority. The recommendation had general applicability to all bicyclists.

**RECOMMENDATION 4: The penalty structure for offences involving the use of a bicycle should apply to all classes of cyclist, and not distinguish between commercial cyclists, commuter cyclists, recreational cyclists.**

**The Government response**

The Roads and Traffic Authority replied that it did not support this recommendation. It is not currently intended to regulate bicycle couriers.

**Comment**

STAYSAFE is not satisfied with this response. The recommendation had general applicability to all bicyclists, but was answered only in terms of bicycle couriers.

**RECOMMENDATION 5: The New South Wales Police Service:**

- (a) **continue to compile statistical information relating to operations involving the enforcement of traffic law with regard to bicycle couriers, and**
- (b) **ensure that this statistical information is available in a form that allows problem areas associated with bicycle courier activities to be identified quickly.**

**The Government response**

The New South Wales Police Service advised that police in the City East Region are compiling and collating statistics when specific operations are conducted targeting illegal bicycle courier operations in the Sydney central business district.

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**RECOMMENDATION 6: The Government should take action to ensure the development and implementation of a regulatory system to ensure:**

- (a) a mandatory registration scheme for persons seeking to work as bicycle couriers; and
- (b) a mandatory identification system for bicycle couriers.

**The Government response**

The Roads and Traffic Authority indicated its position is that it is not currently intended to regulate bicycle couriers. The New South Wales Police Service commented that the Roads and Traffic Authority and Department of Fair Trading would appear to be the relevant Government agencies concerned with any amendments to legislation in this matter.

**Comment**

STAYSAFE is not satisfied with this response. It is noted that complaints regarding illegal and inappropriate behaviour by bicycle couriers within the Sydney central business district continue to be received.

**RECOMMENDATION 7: The Government should take action to ensure that persons seeking to work as bicycle couriers must pass the Roads and Traffic Authority's computerised knowledge test.**

**The Government response**

The Roads and Traffic Authority indicated that currently it does not intend to regulate bicycle couriers.

**RECOMMENDATION 8: It should be an offence for bicycle couriers to perform, or seek to perform, courier work when:**

- (a) not registered under a mandatory scheme for persons seeking to work as bicycle couriers;
- (b) not carrying identification identifying himself or herself as a bicycle courier; and
- (c) using or seeking to use false or stolen identification when conducting courier work.

**The Government response**

The Roads and Traffic Authority indicated its position is that it is not currently intended to regulate bicycle couriers.

**RECOMMENDATION 9: That the Minister for Roads amend the Traffic Act 1909, and related statutory rules, to allow the impounding of bicycles if a bicycle is being ridden in an unlawful manner by a commercial cyclist involved in the transport of goods.**

**The Government response**

The Roads and Traffic Authority indicated its position is that it is not currently intended to regulate bicycle couriers.

**RECOMMENDATION 10: Bicycle couriers should be required to lodge a monetary bond as part of the process of registration for courier work, and unpaid fines for proven traffic offences incurred during courier work should be paid from such bonds.**

**The Government response**

The Roads and Traffic Authority indicated its position is that it is not currently intended to regulate bicycle couriers.

**RECOMMENDATION 11: The Minister for Roads amend the Traffic Act 1909 and any associated statutory rules, as applicable, to provide that a penalty for proven traffic offences while riding a bicycle in the performance of courier work includes demerit points to be recorded against an offender's drivers licence record.**

**The Government response**

The Roads and Traffic Authority indicated its position is that it is not currently intended to regulate bicycle couriers.

**RECOMMENDATION 12: Sydney City Council, in consultation with the Roads and Traffic Authority, Bicycle NSW, and other relevant organisations and individuals, develop a bicycle plan that addresses the needs of all cyclists in and around the Sydney central business district, with a specific focus on:**

- (i) ensuring that the needs of commercial cyclists (i.e., bicycle couriers) are considered as well as addressing the needs of commuter and recreational cyclists;**
- (ii) examining bicycle routes to, from and within the Sydney central business district with regard to the demands of commercial bicycle courier work for access throughout the area.**

**The Government response**

The Roads and Traffic Authority replied that bicycle facilities within the Sydney City Council area

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are within the accountability of Sydney City Council. The Sydney City Council has engaged a consultant who is currently finalising the plan. The Roads and Traffic Authority has offered financial assistance to the Sydney City Council with respect to the implementation of the plan. The Environment Protection Agency advised that this recommendation was not relevant to the Environment Protection Agency. It is STAYSAFE's understanding that the Environment Protection Agency's involvement in the Action for Air initiative, whilst in general supportive of bicycle transport, does not involve any statutory or regulatory function regarding bicycle transport or planning.

**Comment**

STAYSAFE is not satisfied with this response. The STAYSAFE 30 (1996) report is now four years old, but a bicycle plan for the Sydney central business district has still not been developed.

**RECOMMENDATION 13: The Sydney City Council, in consultation with the Roads and Traffic Authority and other relevant organisations, examine the feasibility of developing a system of marked bicycle lanes, including contraflow bicycle lanes, in pedestrian malls and on selected roadways throughout the Sydney central business district.**

**The Government response**

The Roads and Traffic Authority replied that bicycle facilities within the Sydney City Council area are within the accountability of Sydney City Council. The Sydney City Council has engaged a consultant who is currently finalising the plan. The Roads and Traffic Authority has offered financial assistance to the Sydney City Council with respect to the implementation of the plan. The Environment Protection Agency advised that this recommendation was not relevant to the Environment Protection Agency. It is STAYSAFE's understanding that the Environment Protection Agency's involvement in the 'Action for Air' initiative, whilst in general supportive of bicycle transport, does not involve any statutory or regulatory function regarding bicycle transport or planning.

**RECOMMENDATION 14: The Sydney City Council, in consultation with the Roads and Traffic Authority and other relevant organisations, ensure that the needs of bicycle courier industry are taken into account when developing a system of bicycle parking and storage facilities throughout the Sydney central business district.**

**The Government response**

The Roads and Traffic Authority replied that bicycle facilities within the Sydney City Council area are within the accountability of Sydney City Council. The Sydney City Council has engaged a consultant who is currently finalising the plan. The Roads and Traffic Authority has offered

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financial assistance to the Sydney City Council with respect to the implementation of the plan. The Environment Protection Agency advised that this recommendation was not relevant to the Environment Protection Agency.

**Comment**

It is STAYSAFE's understanding that the Environment Protection Agency's involvement in the 'Action for Air' initiative, whilst in general supportive of bicycle transport, does not involve any statutory or regulatory function regarding bicycle transport or planning.

**RECOMMENDATION 15: The Sydney City Council, in consultation with the Roads and Traffic Authority and other relevant organisations, examine the feasibility of bicycle priority signals at selected signalised intersections within the Sydney central business district.**

**The Government response**

The Roads and Traffic Authority replied that bicycle facilities within the Sydney City Council area are within the accountability of Sydney City Council. The Sydney City Council has engaged a consultant who is currently finalising the plan. The Roads and Traffic Authority has offered financial assistance to the Sydney City Council with respect to the implementation of the plan. The Environment Protection Agency advised that this recommendation was not relevant to the Environment Protection Agency.

**Comment**

It is STAYSAFE's understanding that the Environment Protection Agency's involvement in the 'Action for Air' initiative, whilst in general supportive of bicycle transport, does not involve any statutory or regulatory function regarding bicycle transport or planning.

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## RESPONSES TO STAYSAFE 31 (1996)

*General comment - Responses to specific recommendations*

### General comment

5.1 STAYSAFE 31 (1996) was the first report by STAYSAFE under a process to examine the road safety situation in New South Wales on an annual basis. The report examined the road safety activities of New South Wales Government agencies during 1994. The road safety-related activities of relevant non-Government organisations (NGOs)—such as the NRMA, Local Government and Shires Associations, Australian College of Road Safety, Institute of Municipal Engineering Australia, etc.—was not assessed.

5.2 STAYSAFE's terms of reference require that:

“as an ongoing task, the Committee is to—

- monitor, investigate and report on the road safety situation in New South Wales; and
- review and report on countermeasures aimed at reducing deaths, injuries, and the social and economic costs to the community arising from road accidents.”

In the past, STAYSAFE sought to fulfil this reference through the conduct of public inquiries into specific road safety, traffic management, and traffic policing issues. There have been inquiries, for example, into issues associated with alcohol and other drugs and road safety, driver licensing and education, speed management, traffic policing, heavy vehicle safety, criminal law relating to dangerous driving, pedestrian safety, and bicycle safety.

5.3 In 1995, STAYSAFE adopted some new methods to fulfil its Parliamentary reference. This report, STAYSAFE 31 (1996), follows a resolution of the Committee to generally review road safety activities in New South Wales on an annual basis, commencing with activities in 1994.

5.4 The oversight of actions undertaken to improve road safety and to reduce road trauma is a central aspect of STAYSAFE's terms of reference to monitor, investigate and report on the road safety situation. In performing this task, STAYSAFE is mindful of the observation by Dr William Haddon—the man whose thinking has been most influential in the modern approach to the organisation and administration of road safety activities—that:

“First we need to have research or, as I prefer to put it, practical fact finding. The

second thing we need to do is to get the facts to people in a position to use them.”

5.5 STAYSAFE found that the New South Wales road safety performance has improved significantly throughout the early 1990's, but the reasons for this improvement were not clear to road safety researchers and policy makers. There was much debate about the influence of the recession, the influence of various road safety programs and initiatives, and the general effect of a community that is maturing in its use of motor vehicles and its attitudes towards safe and lawful behaviour.

5.6 In the mid 1990's, the Carr Government committed to obtaining an annual road toll of less than 500 deaths and less than 6,000 serious injuries by the year 2,000. This commitment is spelt out in the Government's policy document: Road Safety 2000. But STAYSAFE questioned how these targets were to be achieved?

5.7 The Roads and Traffic Authority, working with other Government agencies, was given the task, and so, in turn, STAYSAFE started a process of annual scrutiny in order to:

- increase the efficiency and effectiveness of government policies under Road Safety 2000 to improve road safety and reduce road trauma;
- increase the public's understanding of the need for a safe and healthy community; and
- increase public sector awareness of the need for accountability in the actions they take under the Road Safety 2000 process.

5.8 STAYSAFE felt that the provision of a strong and well-founded knowledge base for future policies and programs is important to continuing the improvements to the road safety situation. When STAYSAFE looked to see how the necessary information or knowledge was obtained, reviewed and used to develop better policies and programs, it was found that there was an 'information gap' within the road safety community, both in terms of an ability to assess past research outcomes and an ability to access current research activities.

5.9 STAYSAFE found that there was much road safety research and policy and program development taking in place within New South Wales. In fact, there was much more than anyone realised. And, sadly, it was the case that no one panel of witnesses appearing before STAYSAFE in a public hearing to investigate road safety activities in New South Wales was able to provide a comprehensive, coherent account of these road safety activities. Even the Roads and Traffic Authority, which is commissioned to manage the Road Safety 2000 planning process specifically, and which has adopted the role as lead agency for road safety work in New South Wales generally, was not able to fully account for and describe the extent of its own road safety activities. The public hearing was a sometimes tense affair as STAYSAFE sought explanations as to how road safety activities were conducted, managed, and accounted for, and how the knowledge gained is used to develop better programs.

5.10 STAYSAFE uncovered some particular problems. There was concern with the public

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accountability of Roads and Traffic Authority executives for the decisions they made regarding road safety advertising—this issue was resolved shortly after the hearing to STAYSAFE's satisfaction.

There was concern that public monies were expended on research consultancies dating back to 1989 and 1990, but that the research results were still not released and were not available for use in policy and program development. An argument was presented to STAYSAFE regarding these various research consultancies was that the policy implications needed to be assessed ... 6 or 7 years after the work was handed to the Roads and Traffic Authority! This issue has still not been resolved to STAYSAFE's satisfaction, and work is continuing in this area. In other cases, the rationale and assessment processes involved in working out the priorities for what work was to be done were not able to be explained to STAYSAFE in a meaningful way.

5.11 STAYSAFE made several recommendations to reduce the 'information gap' surrounding the process and outcomes of road safety policy and program development. STAYSAFE emphasised the critical role of the Road Safety 2000 planning process and documentation in providing a framework of co-ordination and co-operation between the various agencies involved in the Government's programs to reduce road trauma in New South Wales. After consideration of the process whereby Ministers responded to requests for general written briefings on road safety activities, STAYSAFE found that the documentation of these activities is not well established, even for the lead agency responsible for road activities—the Roads and Traffic Authority. STAYSAFE recommended that the Roads and Traffic Authority become much more active in documenting and disseminating road safety information, using existing means such as publications of activity reports and the conduct of public seminars, as well as developing a new capacity to access information electronically through the internet. These recommendations fall upon the Roads and Traffic Authority for action, as it is that organisation which has the lead agency role in New South Wales in the area of road safety, as laid out in the Government's Road Safety 2000 document. The primary recommendation is for the creation of a central register to collate and record the road safety activities within the Roads and Traffic Authority, and in other organisations throughout New South Wales. Other recommendations propose that this record-keeping process should be public and able to be accessed by specialist researchers as well as by the community.

## **Responses to specific recommendations**

**RECOMMENDATION 1: The Roads and Traffic Authority develop a capability in research documentation that can identify, collate and publish bibliographic and other information regarding research projects and publications involving road safety matters, as well as statistical information on road trauma and information regarding organisational and administrative matters.**

**The Government response**

The Roads and Traffic Authority advised that there is no centralised process within the Roads and Traffic Authority for identifying research. However, program managers conduct literature searches and reviews to identify and locate the latest information on specific topics. The internet is being used more extensively as a source of research information and findings. Conferences and workshops relevant to particular programs are an opportunity both to gather and to disseminate information.

The Roads and Traffic Authority's annual report lists the publications issued by the Road Safety Branch and other parts of the Roads and Traffic Authority. Not listed but available is information for car buyers and operators of the safety of new and used vehicles, based on their performance in crash testing or accidents. The results of a study comparing the road safety performance of New South Wales with other states and leading overseas countries has been drafted for publication, as has the stakeholder review of the *Road Safety 2000* strategy. The statistical statement *Road Traffic Accidents in NSW* is published annually. While the Roads and Traffic Authority takes a leadership role, providing guidance to agencies actively engaged in road safety activities, it is more a program delivery agency than a research institute. However, the Roads and Traffic Authority is currently establishing a safety research institute in partnership with New South Wales Health and the Motor Accidents Authority to extend this advisory capability.

#### **Comment**

STAYSAFE is not satisfied with the response to this recommendation, and urges the implementation of the recommendation as a matter of priority.

**RECOMMENDATION 2: The Roads and Traffic Authority, as part of the New South Wales Government's internet project, develop and maintain a home page on road safety that publishes bibliographic and other information regarding research projects and publications involving road safety matters, as well as statistical information on road trauma and information regarding organisational and administrative matters.**

#### **The Government response**

The Roads and Traffic Authority advised that its internet site was updated in 1998. Road safety information on it includes defensive driving, pedestrian safety, driver fatigue, child restraints and seat belts, speeding, bicycle safety, alcohol and drugs, Safe-T-Cam, free resources, and safer routes to school. Many of these topics also contain statistical information. The site also provides links to other road safety and related sites within New South Wales, Australia and overseas.

#### **Comment**

STAYSAFE is not satisfied with the response to this recommendation, and urges the implementation of the recommendation as a matter of priority.

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**RECOMMENDATION 3: The Roads and Traffic Authority publish an annual road safety situation report that contains information regarding research projects and publications involving road safety matters, as well as statistical information on road trauma and other organisational and administrative information.**

**The Government response**

The Roads and Traffic Authority replied that it publishes statistics on road crashes annually as *Road Traffic Accidents in NSW*—the most recent edition is for 1997. The Roads and Traffic Authority's annual report presents some discussion on previous year's statistics, together with future directions for countermeasures.

**Comment**

STAYSAFE is not satisfied with the response to this recommendation, and urges the implementation of the recommendation as a matter of priority. STAYSAFE notes that in the latter half of 2000 it is still the case that the most recent comprehensive statistical statement regarding road trauma in New South Wales is the Roads and Traffic Authority's 1997 statistical statement mentioned in the Government response (see STAYSAFE 51, 2000 for a commentary on the delay in publishing road trauma statistics in New South Wales).

**RECOMMENDATION 4: The Roads and Traffic Authority hold an annual public seminar to release or otherwise publicise the results of research projects involving road safety matters that have been funded through public expenditure.**

**The Government response**

The Roads and Traffic Authority replied that it, in partnership with the Local Government and Shires Association and the Institute of Municipal Engineering Australia, holds an annual road safety conference. The Roads and Traffic Authority also convenes an annual road safety education conference involving all education sectors. The Roads and Traffic Authority participates in the national Road Safety Researchers' Conference and other major road safety and injury prevention conferences pertinent to its programs. As the Roads and Traffic Authority is not a research institution, it is not appropriate to do more than contribute in this way.

**Comment**

STAYSAFE is not fully satisfied with the response to this recommendation. The intent of the recommendation was to provide a general mechanism for the Roads and Traffic Authority to document its road safety research program. The conferences identified by the Roads and Traffic Authority allow for part identification of research programs involving local council road safety officers and educators interested in road safety.

However, the format of the national road safety researchers conference allows only 3-4 research projects relating to New South Wales to be identified and discussed.

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# 6

## RESPONSE TO STAYSAFE 32 (1996)

*General comment - The Government response*

### **General comment**

6.1 STAYSAFE 32 (1996) documented the restructuring of the Roads and Traffic Authority's road safety administration from a relatively independent Road Safety Bureau into a core departmental area integrating road safety and traffic management functions.

6.2 Since the formation of the Roads and Traffic Authority in 1988, Government road safety activities had continued in a relatively independent, although somewhat isolated, administrative structure—the Road Safety Bureau—that preserved some of the staffing, policies, and other features of the defunct Traffic Authority of New South Wales and the even earlier Traffic Accident Research Unit.

6.3 In 1994, road safety activities were integrated with traffic management activities as a new Road Safety and Traffic Management Directorate. While the STAYSAFE 32 (1996) report provides a 'snapshot' of the revised road safety administration in New South Wales, the report was quickly made obsolete by a partial restructure of road safety administration in the Road Safety and Traffic Management Directorate in the late 1990's.

6.4 In February 2000, the Road Safety and Traffic Management Directorate was abolished in a major restructuring of road safety, driver licensing, vehicle registration, and traffic management functions in the Roads and Traffic Authority. Road safety activities are currently placed with driver licensing and vehicle registration activities within a Road Safety and Road User Management Directorate. Traffic management activities have been combined with other transport-related functions into a separate Directorate.

### **The Government response**

No comment was received from the Government.

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# 7

## RESPONSE TO STAYSAFE 33 (1996)

*General comment - The Government response*

### **General comment**

7.1 STAYSAFE 33 (1996) documented the Government response to recommendations made in the nine STAYSAFE reports tabled during the 51st Parliament (1991-1995). The development of a capacity for the quadrennial review of the Government response to the findings and recommendations made in STAYSAFE reports is the only systematic means that STAYSAFE has to review the response, if any, of Government to the findings and recommendations made in reports.

7.2 In all, the STAYSAFE Committee made 187 recommendations in reports Tabled during the 50th Parliament, addressing diverse issues arising from inquiries that examined drink-driving and drug-driving in the community, the safety of towing caravans and trailers, the safety of moving livestock on roads, the investigation and prosecution of crimes of dangerous and negligent driving, the safety of schoolchild pedestrians around buses, and the conduct of police pursuits.

7.3 The key outcome of undertaking the process of compiling the Governmental response to the previous work by STAYSAFE was that findings and recommendations were, in the main, well received and implemented, usually within a 1-3 year period after the report had been Tabled. There were two exceptions: the STAYSAFE 20 (1993) report into the offences and penalties applicable to drink-drivers and drug-drivers; and the STAYSAFE 22 (1992) report into the towing of caravans and trailers. Both reports has received extensive and positive publicity, both prior to and after they were Tabled. The community response, as received and monitored by STAYSAFE, was very supportive for the proposed measures detailed in the reports. It was therefore very disappointing to find that the response of Government to the reports was non-committal and piecemeal at best, and dismissive in general.

7.4 Subsequently, a number of recommendations of the STAYSAFE 20 (1993) report have been adopted in a piecemeal fashion, including habitual traffic offender legislation, statutory police powers to remove vehicle ignition keys from drunk drivers, and a review of the effectiveness of traffic offender programs.

7.5 However, little action has been undertaken to implement the findings and recommendations of the STAYSAFE 22 (1992) report into the safe towing of trailers and caravans: the development and release of a brochure on safe towing as been the only obvious response by Government.

7.6 Of course, the response of Government to the findings and recommendations of STAYSAFE reports is a dynamic process. For example, the initial response of Government to the findings and recommendations of the STAYSAFE 26 (1994) report into the safety of schoolchild pedestrians around buses has been modified, following the change of Government in 1995 and also more recently in response to further schoolchild trauma associated with bus use.

### **The Government response**

No comment was received from the Government.

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# 8

## RESPONSES TO STAYSAFE 34 (1996)

*General comment - Responses to specific recommendations*

### General comment

8.1 Speeding is a major factor in road trauma. Speeding is a major cause of more than one-third of the fatal crashes each year in New South Wales. Speeding ranks with drink-driving as a leading cause of crashes on our roads.

8.2 The general urban speed limit in New South Wales and throughout Australia is 60 km/h, which is very high by world standards. Most other countries have an urban speed limit of 50 km/h.

8.3 The STAYSAFE 34 (1996) report—'A 50 km/h general urban speed limit for New South Wales'—advocated the introduction of a lower general urban speed limit as one action within an integrated package of measures associated with traffic management, traffic law, police enforcement and communications strategies designed to educate drivers about speeding.

8.4 If the initiatives on drink-driving and compulsory seat belts were the most important developments in reducing the road toll, then the adoption of a lower general urban speed limit could be seen as another significant piece in the road toll puzzle. Indeed, for STAYSAFE there was a good argument for proclaiming a 50 km/h general urban speed limit as the single most important factor in the attempt to reduce the road toll by a significant margin over the next few years.

8.5 The research evidence and statistics show that for every 1 km reduction in the average speed of motor vehicles on our roads, you can expect a 3% reduction in the occurrence of road crashes. While acknowledging the difficulties associated with such an estimation, STAYSAFE suggested that it would be reasonable to project a reduction in road fatalities and road trauma by about 7-10% a year if New South Wales implements a 50 km/h general urban speed limit. That is, a drop of 30-50 deaths each year as a result of a lower urban speed limit, together with a drop of about 500-600 persons hospitalised. This leads to a conservative estimate of at least \$30 million savings in health costs, property damage and losses to the community. It is likely that these savings would be more in the range of \$50 million each year if productivity losses and other costs associated with road deaths and serious injuries were fully included.



8.6 STAYSAFE stressed that the 50 km/h general urban speed limit would affect local streets only. Traffic routes would retain current speed limits. This reflected STAYSAFE's chief concern with respect to a 60 km/h speed limit: the danger posed to pedestrians, particularly children and the elderly. Children spend far more time than adults walking, so their exposure to traffic, particularly in residential streets, is much higher than for adults. Reducing speed limits in residential streets would mean that children would have a safer environment to walk and play in. Moreover, the local streets where we all have our homes would become less a conduit for cars, and more a space where people can live without the danger of fast traffic.

8.7 Often, it is said, the solution to the speeding problem is more and better designed driver education and driver training programs, so that drivers can better perceive and respond appropriately to the variety of road conditions that occur, yet still drive at the speed they wish, rather than in accord with any speed limit set by the roads authority and enforced by police. That argument shows the lack of understanding in the community about the role which excessive speeding plays in serious injuries and deaths on urban roads.

8.8 The facts are simple ... it is pure physics. A car travelling at 60 km/h will need around 50 metres to come to a complete halt. A car traveling at 50 km/h needs less than 40 metres to stop. If a child runs out 45 metres in front of the car traveling at 60 km/h, that child will be struck at about 40 km/h; if the same car was traveling at 50 km/h, the driver should have just enough time to stop the vehicle and avoid the pedestrian altogether. So a 10 km/h reduction in speed can save a life or a serious injury.

8.9 Drivers might know all the things to look out for as road hazards, but if they are driving too fast then they are the hazard. In the words of a British road safety advertisement:

"If you can't stop in time, you're going too fast, aren't you?"

8.10 STAYSAFE recognised that there would be accusations that adoption of a 50 km/h general urban speed limit would be just another revenue raising exercise by the Government. Nothing could be further from the truth. To demonstrate this point, STAYSAFE recommended a major revision of speeding offences and of the penalties for these offences. The primary penalty for minor speeding offences—in other words, where a driver exceeds the speed limit by no more than 10 km/h—should be a doubling of the demerit points assigned for the offence, rather than a heavy monetary fine. STAYSAFE proposed that the current system of a fine of \$109 and loss of one demerit point be changed so that the fine is only \$65 and the driver loses 2 demerit points. In addition, STAYSAFE recommended that a three-month moratorium be placed on the issuing of fines for minor speeding infringements on roads affected by the new speed limit.

8.11 The majority of roads which will be affected by the new 50 km/h speed limit would be roads which are the responsibility of councils, and not of the Roads and Traffic Authority. STAYSAFE

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stressed the crucial role which local councils would play in the successful implementation of a 50 km/h general urban speed limit. STAYSAFE's own consultations with councils indicated a high degree of acceptance of a lower general urban speed limit, once the concept had been clearly explained. STAYSAFE noted that the Roads and Traffic Authority would need to devote resources to influencing local councillors and traffic committees and, through them, rural populations, if New South Wales is to take full advantage of lower speeds on local roads.

8.12 In a modern society where the pace of life is so much faster than it once was, it will be difficult for some people to understand the necessity for slowing drivers down. But, as this report notes, a 50 km/h general urban speed limit will add virtually nothing to travel times, while helping to save lives, reduce the severity of injuries in road crashes, and reduce the cost of property damage.

Young people today, unlike their parents, have grown up in an age where drink-driving is socially unacceptable. It will take some time, but STAYSAFE is confident that a 50 km/h speed limit on local roads will go a long way towards fostering an attitude among young people that speeding is socially unacceptable.

8.13 STAYSAFE recognised that the STAYSAFE 34 (1996) report into the proposed introduction of a 50 km/h general urban speed limit, of necessity, touched upon more general issues relating to excessive speeding across all New South Wales roads, including rural highways, freeways, and excessive speeds on urban traffic routes. There were general issues associated with technologies for detection of excessive speeding, the standard operating procedures for police enforcement of excessive speeding, road design and urban and transport planning, and traffic management strategies for the safe and efficient movement of motor vehicles that merited further, more detailed examination than was possible in this inquiry.

8.14 There was a simple message in the STAYSAFE 34 (1996) report into a lower urban speed limit: 'When you're in town, slow down'.

## **Responses to specific recommendations**

**RECOMMENDATION 1: The general urban speed limit in New South Wales be reduced by 10 km/h from 60 km/h to 50 km/h, and that the Minister for Roads amend the Traffic Act 1909 s.4A(2)(a) to provide for a default speed limit of 50 km/h for any public street subject to street lighting and for which the Roads and Traffic Authority has given no direction regarding a speed limit.**

### **The Government response**

The general urban speed limit for New South Wales has not changed. On 3 June 1998, the Hon. Carl

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Scully MP, Minister for Roads, invited all New South Wales local councils to implement a 50 km/h urban speed limit in conjunction with the Roads and Traffic Authority. Currently 79 local councils are working in partnership with the Roads and Traffic Authority to implement 50 km/h urban speed limits. A reduction of the general urban speed limit to 50 km/h will be considered within the review of New South Wales speed limits which commenced in May 1999.

#### **Comment**

STAYSAFE remains disappointed with the response to this recommendation, and reiterates its belief that a general urban speed limit of 50 km/h should be introduced in New South Wales.

#### **RECOMMENDATION 2: The term 'general urban speed limit' be retained to describe the general default speed limit on urban roads in New South Wales.**

##### **The Government response**

The term 'general urban speed limit' has been retained to describe the default speed limit on urban roads in New South Wales.

#### **Comment**

STAYSAFE remains disappointed that a general urban speed limit of 50 km/h has not been adopted in New South Wales. Instead, a new speed limit categorisation of 'local area speed limit' is being used to delineate and define 50 km/h speed limits in sequestered urban precincts.

#### **RECOMMENDATION 3: The Roads and Traffic Authority:**

- (i) formally establish a defined road hierarchy that integrates the various speed limits used in New South Wales; and**
- (ii) produce, in consultation with local councils, maps of the defined road hierarchy for each local government area in New South Wales;**

**in order to facilitate the identification of roads which would retain a speed limit of 60 km/h or more following the introduction of a general urban speed limit of 50 km/h, and to achieve consistency in implementing appropriate speed limits across the urban road network in New South Wales.**

##### **The Government response**

The Roads and Traffic Authority replied that the current approach to implementation of 50 km/h is by invitation to local councils. In partnership with the Roads and Traffic Authority, local councils identify roads to be zoned at 50 km/h. A process for determining speed limits has been developed and documented and includes the following stages:

- *Establishment of a road hierarchy plan:* A key component to implementing a 50 km/h urban
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speed limit is the establishment of a road hierarchy plan by the local council in consultation with the Roads and Traffic Authority. The Roads and Traffic Authority also approves the road hierarchy plan.

- *Development of a signposting plan:* Once the road hierarchy plan is approved a signposting plan is developed by the Council in consultation with the Roads and Traffic Authority. The signposting plan depicts, on a map of the local government area, where the signs will be installed. The signposting plan is approved by the Roads and Traffic Authority.

- *Post implementation auditing:* Audits which ensure consistency and appropriateness of speed zones.

**RECOMMENDATION 4: The Roads and Traffic Authority, in consultation with relevant local councils, undertake an assessment of streets in entertainment, commercial and shopping areas which also serve as major traffic routes, having regard to the road user needs of pedestrians, cyclists and patrons of public transport, to determine which of those streets, if any, should be zoned with the lower general urban speed limit of 50 km/h.**

#### **The Government response**

The Roads and Traffic Authority replied that the *Draft Guidelines for Implementing the 50 km/h urban speed limit* address these issues:

“In local government areas within the Greater Metropolitan or urban country Council areas all roads which principally provide access to residential and commercial areas should be included (where possible) within the 50 km/h precinct.

Where the LGA is not wholly urban, 50 km/h precincts should be designed to include all roads within a town which principally provide access to residential and commercial areas to ensure a homogeneous speed limit.

Special circumstances occasionally exist where through traffic roads will be suitable for inclusion as a 50 km/h zone. These roads typically have adjacent land use which generates a large number of pedestrian and traffic conflicts which currently limit the speed limit of the traffic. Alternatively these roads may have land use which has a major impact on road user safety. Such use includes large numbers of hotels, nightclubs and other types of licensed premises.”

**RECOMMENDATION 5: The adoption of a 50 km/h general urban speed limit should not preclude the continued provision, where appropriate, of lower speed zones.**

#### **The Government response**

The Roads and Traffic Authority indicated that this issue is addressed within the *Draft Guidelines for Implementing the 50 km/h urban speed limit*, which support the continued provision of lower

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speed school zones and shared zones.

**Comment**

STAYSAFE is satisfied with the response to this recommendation. STAYSAFE notes, however, that in Queensland the introduction of a general urban speed limit of 50 km/h in the greater Brisbane area and south-eastern Queensland has seen a number of areas with 40 km/h speed limits removed.

There are even some lower speed zones on normal streets used in New South Wales, including the Royal Botanic Gardens' imposition of a 30 km/h speed limit on roads around the areas of the Domain, New South Wales Art Gallery, and Lady Macquarie's Chair in central Sydney.

**RECOMMENDATION 6: That appropriate road treatments be installed at the entry and exit points between local streets zoned as 50 km/h and defined traffic routes zoned as 60 km/h or higher, and that:**

- (i) in the first instance, such treatments should be limited to a unique road marking indicating a 50 km/h speed limit applies;**
- (ii) if appropriate, signs indicating a 50 km/h speed limit are to be used; and**
- (iii) in locations where significant speed control is necessary, installation of physical devices such as raised platforms is to be considered.**

**The Government response**

The Roads and Traffic Authority replied that at transitional zones speed limit signs are installed on both sides of the road at the entry to a lower speed. "50" pavement markings are installed at the entry lane(s) to the 50 km/h zone on major roads. Minor roads do not necessarily require pavement markings. When exiting a 50 km/h area to a higher speed zone or to the general 60 km/h speed limit, the new speed limit is installed on the adjacent road within 300 metres of where the vehicle exited the 50 km/h zone. When exiting 40 km/h school zones exit signage is replaced with 50 km/h overlay signage where applicable. Where the 50 km/h limit applies throughout/ across the whole of the local government area, in the greater metropolitan area and urban country councils, adequate 50 km/h repeater signs inform drivers and ensure awareness of the prevailing speed zone. Motorists should not travel more than 500 metres within a 50 km/h speed zone without seeing a speed limit sign or a pavement marking. Where a network of streets exists that has limited access, this network or precinct can be signposted by area signs which are supplemented by repeater signs or pavement markings. These precincts are signposted using area signs with 50 speed indicated. In rural local government areas information signs (which have no legal status) are erected at suitable major entry points to towns, to ensure drivers are aware of the prevailing speed zone. Appropriate 50 km/h signage is installed at entry to 50 km/h streets and repeater signs or markings are installed within precincts.

**Comment**

STAYSAFE is generally satisfied with the response to this recommendation. However, it is noted

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that the introduction of 50 km/h local areas speed zones rather than a general urban speed limit of 50 km/h has resulted in the need for placement of a large number of signs advising of a 50 km/h speed zoning. STAYSAFE's recommendation for the use, in the first instance, of a road marking indicating a 50 km/h speed limit has not been accepted, and the emphasis has been on the placement of signs rather than road markings.

**RECOMMENDATION 7: The Traffic Act 1909 and associated statutory rules be amended to provide for the imposition of fines and demerit points based on increments of 10 km/h for speeding offences.**

**The Government response**

The Roads and Traffic Authority replied that the model recommended by STAYSAFE for a new structure of speeding offences with 10 km/h increments rather than the current 15 km/h increments is supported by the standing interdepartmental Speed Management Task Force convened by the Roads and Traffic Authority. The Roads and Traffic Authority advises that although the proposal has intuitive merit, its implementation would be seriously hampered by a conflict with the national demerit points exchange scheme and administrative difficulties associated with changes to Roads and Traffic Authority's DRIVES computer and enforcement systems. The Penalty Review Committee therefore recommends that this speed offence model be pursued at a national level for introduction at a later date. (*Source: Penalty Review Committee, September 1997*). Therefore the current 15 km/h increments are being followed at a national level.

**Comment**

STAYSAFE is not satisfied with the response to this recommendation, particularly as it is acknowledged by Government that the recommendation is appropriate—that is, it is 'supported by the standing interdepartmental Speed Management Task Force', and is recognised as having 'intuitive merit'. STAYSAFE would like to see a more constructive approach taken regarding the 'conflict with the national demerit points exchange scheme' and 'administrative difficulties associated with changes to Roads and Traffic Authority's DRIVES computer and enforcement systems'.

**RECOMMENDATION 8: The primary punishment emphasis following a conviction of an offence of exceeding the speed limit by 10 km/h or less placed on demerit points rather than on a monetary fine.**

**The Government response**

The Roads and Traffic Authority replied that the current penalty regime consists of 15 km/h increments with punishment in the form of demerit points and a monetary fine. In line with the approach recommended by STAYSAFE, when the Government increased the penalties for speeding

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and other serious offences in September 1998 the demerit points were unaltered but the fines for the two highest ranges of speeding were increased.

**Comment**

While STAYSAFE is not satisfied with the response to this recommendation, it is noted that the recommendation provided the impetus for the development and introduction of the New South Wales 'double demerit point' initiative in Easter 1997.

**RECOMMENDATION 9: The Minister for Police, in consultation with the Minister for Roads and other appropriate Ministers, assess the feasibility of adopting a system whereby a motorist who is detected exceeding the speed limit by 10 km/h or less:**

- (a) is issued with a cautionary traffic infringement notice such that details of the offence and the motorist are recorded but that the traffic infringement notice is marked to indicate that a formal caution is recommended;**
- (b) the traffic infringement notice is processed and the issue of the caution annotated to the licence record of the motorist;**
- (c) if the motorist has received a previous caution for a speeding offence within the preceding twelve months, the full penalties for the offence (i.e., demerit points and a monetary fine) should be incurred;**
- (d) at the time of the offence the attending police officer should advise the motorist of the caution, and that the full penalties will apply if a previous caution has been recorded.**

**The Government response**

The Minister for Police advised that following an extensive review of the existing provisions for issuing warnings and cautions to drivers committing minor traffic offences in New South Wales, the New South Wales Police Service decided that the existing arrangements were appropriate for this jurisdiction, that is, verbal warnings and cautions can be administered by police for minor traffic infringements which are recorded in the officer's official note book. The Infringement Processing Bureau can caution drivers in certain circumstances which fall within a strict criteria, the latter cautions are recorded on the driver's Roads and Traffic Authority licencing record. The Roads and Traffic Authority advised that the adoption of a system such as the 'On-The-Spot Caution Scheme' has been proposed which applies to low-range speeding offences and other driving offences of a minor nature. There has been ongoing liaison with the Minister for Police while the police have raised concerns over possible corruption among police officers and a lack of substantiation and control at the roadside. A proposal to trial such a scheme is now with the Traffic Services Branch of the Police Service. The Roads and Traffic Authority has indicated its willingness to assist in a trial cautioning scheme. The Attorney General replied that the recommendation principally raises operational and general policy issues for consideration by the Minister for Police. Some legal policy issues are also raised by the proposal for a cautioning scheme and the Attorney General indicated he would be pleased to offer assistance to the police administration should it be determined to

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purpose further consideration of this recommendation.

**RECOMMENDATION 10: The Roads and Traffic Authority and local councils investigate the feasibility of using speed measurement and display equipment to inform motorists of their vehicle's speed on roads with a speed limit of 50 km/h.**

**The Government response**

The Roads and Traffic Authority replied that these devices are used by local councils at various locations within local government areas.

**RECOMMENDATION 11: The Minister for Police ensure that the New South Wales Police Service has the sole responsibility for the operational deployment of speed enforcement technologies, including the selection of sites for enforcement, and that other agencies or organisations are restricted to an advisory or consultative role.**

**The Government response**

The Roads and Traffic Authority replied that the Traffic Act 1909 and Motor Traffic Regulations 1935 currently identify the New South Wales Police Service as responsible for speed enforcement technology and site selection. Speed camera sites are selected within guidelines drawn up by the Roads and Traffic Authority, New South Wales Police Service and the NRMA. These guidelines include accident history and vehicle speed survey data. The Minister for Police advised that the deployment of speed enforcement technologies with the exception of static speed cameras remains a police responsibility, but that static speed camera sites have been an initiative of the Roads and Traffic Authority.

**Comment**

STAYSAFE regards the response on Government to this recommendation as unsatisfactory. The recommendation has not been implemented, despite the advice that has been tendered. Over the past few years stationary speed cameras have been used in two locations in New South Wales—the Sydney Harbour Tunnel, and the Burrungbar range, Pacific Highway—apparently under the control of the Roads and Traffic Authority and not of the New South Wales Police Service. Recently, the Minister for Roads, the Hon. Carl Scully MP, announced the deployment of some twenty or more stationary speed cameras throughout New South Wales. STAYSAFE is concerned that stationary speed camera sites—now some twenty or more sites around New South Wales—were developed without any apparent reference to the use of such an operational deployment technique within the overall strategy for speed management in New South Wales. It is unclear as to why the Roads and Traffic Authority has the responsibility for stationary speed camera sites. This is in direct opposition to the recommendation made by STAYSAFE, which concluded that police should have sole responsibility.



**RECOMMENDATION 12: The Minister for Police instruct the Commissioner for Police to remove the current instruction restricting the use of speed detection devices within 200 metres of a change in speed zone, particularly in relation to school zones, and to develop more suitable and flexible guidelines for speed enforcement.**

**The Government response**

The Minister for Police advised that this recommendation was implemented. The current instruction restricts the use of speed detection devices within 50 metres of a change in speed zone.

**RECOMMENDATION 13: For a period of three months from the commencement of the new general urban speed limit of 50 km/h:**

- (a) a moratorium be placed on the issuing of fines or demerit points to motorists who are caught exceeding the 50 km/h speed limit;
- (b) such motorists be issued with a warning letter advising them of the introduction of the new 50 km/h speed limit and of the date from which fines and demerit points will be incurred when the new law is contravened;
- (c) the moratorium should be restricted to roads which had previously been zoned at 60 km/h, but which will, under the new law, be subject to a 50 km/h speed limit.

**The Government response**

The Minister for Police responded that the New South Wales Police Service has a long standing policy that breaches detected following changes to traffic legislation will only be taken after seven clear days of its introduction. The Roads and Traffic Authority replied that the 50 km/h speed limit is enforced in the same way as the 60 km/h speed limit. No moratorium was placed on the issuing of fines or demerit points to drivers caught exceeding the 50 km/h speed limit. Public information campaigns targeting drivers have been implemented during double demerit periods to highlight the penalties for speeding in 50 km/h zones.

**Comment**

As the 50 km/h speed limit has not been introduced as a general urban speed limit, the general thrust of this recommendation does not have effect. However, STAYSAFE notes that some leeway is given by the New South Wales Police Service in that a one week moratorium applies in those areas where the local areas speed limit of 50 km/h is introduced.

**RECOMMENDATION 14: The New South Wales Police Service, in collaboration with the Roads and Traffic Authority, conduct an independent review of random road watch policing**

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**as an operational deployment policing strategy for traffic enforcement, and, in particular, for speed enforcement.**

**The Government response**

The Minister for Police advised that discussions are regularly held with senior traffic police in other jurisdictions to identify best practice for achieving road safety objectives. In this regard the deployment of police is often the subject of those discussions. Following the introduction of random road watch policing in Queensland the current Officer in Charge of the Queensland Police Traffic Branch, Superintendent Mick Hannigan gave a presentation to the concept to New South Wales police. It is understood that the Queensland program is currently under review. A similar concept to random road watch was trialed by police on the north coast of New South Wales a number of years ago. It was concluded that the strategies deployed in New South Wales—in particular intelligence based deployment of police—best suited the road trauma reduction efforts in this State.

The Roads and Traffic Authority replied that a trial of random traffic enforcement was conducted on a section of the Pacific Highway in northern New South Wales between June 1990 and May 1991. The evaluation found no significant changes in travel speeds or crash rates attributable to the random schedule program. The last Queensland police region to introduce random road watch was Metropolitan South in February 1994 and the program has been undergoing gradual change since that time. The program is currently under review by the Queensland Police Service who are looking to make enforcement site selection more intelligence based. The Roads and Traffic Authority continues to monitor the random road watch program particularly changes to tasking methodologies and its current reliance on general duties police for implementation. Currently, New South Wales Police Service traffic enforcement operations continue to be highly visible and primarily focused to locations and times with a history of fatal and serious injury crashes based on police and Roads and Traffic Authority intelligence.

**Comment**

It is unclear why there is a reluctance by New South Wales police and road safety authorities to better explore the possibilities apparently offered by random road watch policing. Random road watch policing commenced in Queensland in 1991, and by 2000 had grown to be a State-wide program. Random road watch policing maximises the dispersed effects of conspicuous police traffic enforcement by use of a randomised operational schedule. In psychological terms, this might be thought of as an real life application of concurrent random ratio (RR) and random interval (RI) operant schedules, aimed at: (a) purposely deploying police resources across larger parts of the road network and at differing times than might otherwise have occurred in conventional traffic policing; and (b) therefore minimising drivers' ability to predict the location and timing of traffic enforcement activities. Recent studies (e.g., Newstead, S.V., Cameron, M.H. & Leggett, L.M.W. (1999). Evaluation of the Queensland random road watch program. Report No. 149. Clayton, Vic.: Monash University Accident Research Centre) have indicated that aggregate crash reductions of at least 10% State-wide, with individual police regions reporting reductions in fatal crashes of over 30%.

**RECOMMENDATION 15: The Minister for Roads:**

- (i) ensure that adequate funding is made available to local councils for road markings, signage and associated works to support the implementation of a 50 km/h general urban speed limit; and
- (ii) provide a public assurance to local councils that such funding will be available for road markings, signage and associated works to support the implementation of a 50 km/h general urban speed limit.

**The Government response**

The Roads and Traffic Authority replied that it is fully funding the 50 km/h urban speed limit including signage and public education. This is documented in the *Draft Guidelines for Implementing the 50 km/h Urban Speed Limit*, which state that:

“The RTA will meet all costs (including public education campaigns) associated with the installation of the 50 km/h speed limit. This funding arrangement will apply until December 1999, at which time it is expected that all Councils participating in this Government initiative will have completed the necessary installation of signage and markings. To maintain 50 km/h signage installed by this date, the RTA will increase the traffic facilities component of the regional road block grants to Council.”

A copy of these Guidelines was distributed to each local council in New South Wales in mid-1998.

**RECOMMENDATION 16: The Roads and Traffic Authority, in consultation with the Environmental Protection Agency and other relevant agencies, should monitor relevant environmental indices following the introduction of a 50 km/h general urban speed limit in order to ensure that no untoward environmental consequences arise within the road transport system that affect urban residents' amenity.**

**The Government response**

The Roads and Traffic Authority replied that it is conducting an extensive evaluation of the 50 km/h urban speed limit. A major component is practical tests which are being conducted by the NRMA, including vehicle emissions tests. The Roads and Traffic Authority has liaised with the Environment Protection Authority for the provision of independent expert technical advice by the Environment Protection Authority on this issue. The Environment Protection Agency advised that it had agreed to assist with the provision of technical advice to the Roads and Traffic Authority's evaluation of the reduction in the general urban speed limit.

**RECOMMENDATION 17: The Roads and Traffic Authority ensure that any communication**

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strategy developed to support the lowering of the general urban speed limit from 60 km/h to 50 km/h addresses issues of potential resistance from the public, including questions concerning travel time, vehicle performance, and 'revenue raising'.

### **The Government response**

The Roads and Traffic Authority replied that a major component of the *50 km/h Media Information Kit* developed by the Roads and Traffic Authority consisted of a question and answer document. This document included topics such as, travel time, vehicle performance and enforcement ('revenue raising'). This kit was distributed to all local councils. An information hotline was established to respond to enquiries from the community regarding the 50 km/h speed limit. This hotline included information for callers on travel time, vehicle performance and revenue raising. The public was referred to this information line via their local council, the 50 km/h press advertisement, and the 50 km/h information brochure. The public notice advertisements conducted over the Christmas period advised motorists that double demerit points would be enforced and of the implications of motorists driving in 50 km/h zones. Information was provided to key stakeholder agencies (such as NRMA, Institute of Municipal Engineering Australia, Local Government and Shires Associations, New South Wales Police Service) for inclusion in their newsletters included information on travel time, vehicle performance and 'revenue raising.' The Environment Protection Agency advised that this recommendation was not relevant to the Environment Protection Agency.

**RECOMMENDATION 18: The Roads and Traffic Authority ensure that, wherever possible, advertising and publicity materials that are developed to support the introduction of a 50 km/h general urban speed limit utilise dual messages about speeding and about pedestrian safety issues.**

### **The Government response**

The Roads and Traffic Authority replied that pedestrian safety, particularly that of child pedestrians, was promoted as a major benefit of the 50 km/h initiative. All 50 km/h public education materials included messages about speeding and pedestrian safety issues. For example:

- The press advertisement (displayed in local newspapers of local councils implementing a 50 km/h speed limit) informs the public of the differences in stopping distances between a car travelling at 60 km/h and the same car travelling at 50 km/h, it also informs the reader of the difference in pedestrian impact between the two speeds
- The 50 km/h information brochure includes information on speeding and pedestrian safety similar to the press advertisement. (This brochure is distributed to all households in local government areas in which a 50 km/h speed limit is implemented, and is available through local council offices, NRMA business offices, motor registries, driver reviver stops, and tourist information centres.
- Both the press advertisement and information brochure were translated into Chinese,

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Vietnamese, Arabic, Spanish and Italian.

- The 50 km/h question and answer document included several points on speeding and pedestrian safety. This document was distributed to all local councils.
- Information provided to key stakeholder agencies (such as NRMA, Institute of Municipal Engineering, Australia, Local Government and Shires Associations, New south Wales Police Service) for inclusion in their newsletters included information on speeding and pedestrian safety
- The information hotline established to respond to enquiries from the public on 50 km/h speed limit included information on speeding and pedestrian safety.
- A radio campaign over the Christmas period implemented in the Hunter and Northern Rivers regions included information on speeding and pedestrian safety.
- Public notice advertisements conducted over the Christmas period included information on speeding.
- Participating local councils received up to \$3000 funding from the Roads and Traffic Authority for public information campaigns. Most of the campaigns implemented by these local councils focused on speeding and pedestrian safety.

**RECOMMENDATION 19: The Roads and Traffic Authority ensure that a component of any communication strategy developed to support the introduction of a 50 km/h general urban speed limit is the inclusion of advertising and publicity that informs the community of:**

- (i) new offences and penalties for excessive speeding; and
- (ii) new police speed detection technology and changes to operational deployment policies and practices for the enforcement of excessive speeding.

#### **The Government response**

The Roads and Traffic Authority replied that public notice advertisements were placed over the Christmas period advising motorists that double demerit points would be enforced and of the implications for motorists driving in 50 km/h zones. This information included cost of fine and number of points lost. However, the Roads and Traffic Authority replied that advertising and publicity to inform the community of police operational policies and practices remain the function of the New South Wales Police Service.

**RECOMMENDATION 20: As part of its communication strategy, the Roads and Traffic Authority specifically target local councillors, traffic committees and traffic engineers with an education campaign which should address issues such as:**

- (i) the erroneous perception that speeding is not a significant issue on local roads in rural areas;
  - (ii) the need for local governments to assist in educating their communities about the road
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- safety and amenity benefits of a lower general urban speed limit;**
  - (iii) the costing and funding of implementation; and**
  - (iv) the role of local government in the decision-making process.**

### **The Government response**

The Roads and Traffic Authority replied that to address the erroneous perception that speeding is not a significant issue on local roads in rural areas various presentations were conducted, for example:

- Presentations to Regional Organising Committees of local councils. These meetings included senior staff members of local councils.
- Presentations to local council traffic committees and council meetings. Further, a Roads and Traffic Authority representative is present on all local council Traffic Committees.
- A presentation on the 50 km/h urban speed limit to the Institution of Engineers Australia

With regard to items (ii)-(iv), the Roads and Traffic Authority replied that the Hon. Carl Scully MP, Minister for Roads, wrote to all local councils inviting them to participate in the 50 km/h initiative. Included with this letter was an information package which addressed these issues:

- *Draft Guidelines for Implementing a 50 km/h Urban Speed Limit* which highlight the role of local governments in the project.
- *50 km/h Trial Evaluation Report* which demonstrated the potential road safety benefits of a 50 km/h speed limit.
- A media information kit to assist in community education. This kit includes a press release from the Minister, press advertisement, information brochure, promotional poster, a list of questions and answers and an order form for components of the kit.
- Each participating local council is provided with up to \$3000 funding from the Roads and Traffic Authority to conduct public information campaigns.
- A one day workshop was conducted in 1998 with local government road safety officers to develop a joint public education strategy for participating local councils.

### **Comment**

While STAYSAFE is satisfied with the response to this recommendation at this time, it is noted that local councils requesting implementation of 50 km/h speed limits are concentrated on the eastern seaboard of New South Wales and in metropolitan areas of Sydney. STAYSAFE suggests that specific action needs to be taken to improve the participation rate of local councils in inland regional and rural New South Wales.

**RECOMMENDATION 21: The Roads and Traffic Authority revise curricular and other road safety educational materials relating to speeding to incorporate the new general urban speed limit of 50 km/h, and the new speed enforcement technologies and operational methods used by police.**

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**The Government response**

The Roads and Traffic Authority replied that its school road safety resources such as Road Whys identify speeding as a risk factor. Resources for school education stress the need to drive at appropriate speeds in all situations and do not focus on specific speed limits. Input was provided by School and Youth Programs into a draft fact sheet on 50 km zones.

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## RESPONSES TO STAYSAFE 35 (1997)

*General comment - Responses to specific recommendations*

### General comment

9.1 The STAYSAFE 35 (1997) report examined the operation of the Traffic Amendment (Street And Illegal Drag Racing) Act 1996 with particular regard to a sunset provision that the legislation lapse unless re-approved by Parliament. STAYSAFE recommended that the motor vehicle impoundment provisions of the Traffic Amendment (Street and Illegal Drag Racing) Act 1996 continue to be applied to combat street hoons and dangerous driving behaviour. The Act had been in operation for less than six months and many of its provisions remain untested, but some conclusions could be drawn. The most important was that the Act had been a success. The creation of new offences, and the threat of vehicle confiscation it provides, had successfully broken up the large congregations of car enthusiasts who previously regularly engaged in illegal, dangerous and disruptive activities such as street racing and performing 'burnouts' and 'donuts'.

9.2 Several other matters were subject to comment and recommendations by STAYSAFE, including:

- the need for the New South Wales Police Service to ensure that there are appropriate, safe and convenient areas available for the storage of impounded motor vehicles.
- the New South Wales Police Service and the Roads and Traffic Authority should jointly review the activities and requirements of local street machine and drag racing groups with a view to assisting in the provision of safe legal alternatives for such activities where possible.
- the New South Wales Police Service and the Roads and Traffic Authority jointly promote awareness of both the activities prohibited by the Traffic Amendment (Street and Illegal Drag Racing) Act 1996 and the penalties provided for any breach of the Act.
- the Roads and Traffic Authority undertake appropriate research into the use of motor vehicle impoundment, confiscation and forfeiture to deal with illegal road behaviour.

9.3 STAYSAFE recognised that the Traffic Amendment (Street and Illegal Drag Racing) Act 1996 provided police with a significant power to seize motor vehicles in situations where they

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reasonably believe illegal street racing offences have occurred. But STAYS SAFE emphasised that exercise of this power must be beyond reproach. To that end, STAYS SAFE indicated that it would continue to review the operation of the Traffic Amendment (Street and Illegal Drag Racing) Act 1996 as part of its annual reporting process and make further reports to the Parliament as necessary. In particular, STAYS SAFE noted the need to examine the motor vehicle forfeiture provisions of the Traffic Amendment (Street and Illegal Drag Racing) Act 1996 at some time in the future.

9.4 The Government, with the support of the Opposition, acted quickly. On 19 June 1997 the Government acted to remove the sunset provision on the Traffic Amendment (Street and Illegal Drag Racing) Act, and thus allowed police to continue to combat street hoons and dangerous driving behaviour. A number of minor but necessary amendments to the Act were introduced at that time. The Act has now been in operation for over nine months, and it remains that the Act has been a success, as recently reported by the Minister for Police.

## **Responses to specific recommendations**

**RECOMMENDATION 1: Parliament resolve to confirm and continue the provisions of the Traffic Amendment (Street and Illegal Drag Racing) Act 1996 as provided for in Part 4 of the Act (Expiry of Amendments).**

### **The Government response**

On 18 June 1997, the Hon. Carl Scully MP, Minister for Roads, introduced the Traffic Amendment (Street and Illegal Drag Racing) Bill 1997:

“In December last year, the Parliament passed the Traffic Amendment (Street and Illegal Drag Racing) Act 1996 to give police power to impound vehicles which have been used in illegal drag racing. Under the provisions, cars can be impounded for up to three months for a first offence and they can be forfeited for subsequent offences. The legislation established a six-month trial of these powers, initially scheduled to expire on Friday, 20 June. Last night I informed the House that the Government had decided to permanently enforce those powers by continuing the operation of the Act. This followed a review of the Act by the STAYS SAFE Committee and input by a wide range of interested groups, including police, the Roads and Traffic Authority, car clubs, road safety experts and members of the public. I take this opportunity to commend the Staysafe committee for its work.

More than 140 drag-racing vehicles have been impounded in less than six months under the new powers. This is more than one car for every working day or more than five cars for every weekend. It is a regrettable and disturbingly emphatic confirmation of the extent of the drag-racing problem. This bill proposes amendments to the Act to take into account the experience of police in implementing the new powers. It seeks to give new powers to impound a drag-racing vehicle up to 10 days after an offence; seize a vehicle from private property, subject

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to a search warrant being obtained; recover the cost of towing a seized vehicle; dispose of unclaimed impounded vehicles; and seize vehicles engaging in wheelies where only one car wheel loses traction. Under the existing provisions, vehicles can only be seized on the spot, encouraging offenders to evade police to avoid impounding of their vehicles.

The Government is moving to close this escape route by giving police up to 10 days to impound vehicles. It will also address circumstances where on-the-spot impounding of vehicles would be inadvisable, for example because of the size and nature of any crowd watching an illegal drag race. Under the proposed amendment, a police officer will have power to impound a vehicle if the officer reasonably believes that the vehicle has been used to commit one of the offences during the past 10 days. The move is consistent with a recommendation of the STAYSAFE Committee that a period for impounding be specified. It is clearly inappropriate that police should meet the costs of towing a vehicle seized in accordance with the legislation and this bill redresses this situation.

The bill also seeks to improve the current legislation by making it clear that offenders cannot avoid the seizure of vehicles by driving them on to private property. As I have indicated, the bill will allow police to impound vehicles on private property, subject to a search warrant being obtained. A final operational issue relates to the disposal of impounded vehicles. As impounded vehicles have fallen due to be released, some vehicle owners have failed to collect them, despite being advised that the impoundment period has expired. Police suggest that some owners of impounded cars are deciding to abandon their vehicles. Clearly the police need to be able to dispose of unclaimed vehicles and to recover storage costs. The bill provides procedures for this purpose so that vehicles are disposed of in appropriate circumstances and that the proceeds of sale are properly used.

The current Act provides that it is an offence to operate a motor vehicle on a public street so as to cause the vehicle to undergo sustained loss of traction by the driving wheels. However, an offence is not committed if traction is lost by one wheel only. This bill extends the offence to loss of traction by one wheel only. The existing Act has been an innovative and effective move to combat the dangerous practice of illegal street racing. I believe it has enjoyed both bipartisan political support and general community endorsement. This bill puts into practice the lessons of the past six months. I am confident it represents a significant improvement to the existing provisions." (Minutes of the Proceedings of the NSW Legislative Assembly, 18 June 1997, p. 10623)

**RECOMMENDATION 2: The Minister for Roads, in consultation with the Minister for Police, amend the Traffic Amendment (Street and Illegal Drag Racing) Act 1996 s.4BB (1) to the effect that the word "just" is removed, and a specific time period inserted.**

**The Government response**

The Roads and Traffic Authority replied that the word 'just' has been removed and replaced with 'on

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that day or during the past 10 days’.

The Minister for Police also advised that legislation was amended to remove the word ‘just’ and a specific time period of ten (10 ) days inserted.

**RECOMMENDATION 3: The New South Wales Police Service ensure that appropriate, safe and convenient areas are established for the storage of impounded vehicles.**

**The Government response**

The Minister for Police advised that safe and convenient areas have been established for the storage of impounded vehicles. In the Sydney metropolitan area a private contractor has been employed to provide the necessary facility. In country locations vehicles are stored at police stations.

**RECOMMENDATION 4: The New South Wales Police Service and the Roads and Traffic Authority jointly review the activities and requirements of local street racing groups with a view to assisting in the provision of safe legal alternatives for such activities where possible.**

**The Government response**

The Roads and Traffic Authority replied that the New South Wales Police Service, in conjunction with local councils and the private sector, have negotiated the provision of safe, legal venues for a range of activities for young people. Venues for local drag racing groups, such as those at Eastern Creek and Newcastle, generally result from negotiation between these agencies at a local level. The Minister for Police advised that whilst the New South Wales Police Service has not been directly involved, it is known the Eastern Creek Racing Ground does cater for local street racing groups on specific days in allowing burn outs and drag racing on their circuit. A similar situation occurs in Newcastle but these groups are restricted to burn outs only.

**RECOMMENDATION 5: The New South Wales Police Service and the Roads and Traffic Authority jointly promote awareness of the provisions of the Traffic Amendment (Street and Illegal Drag Racing) Act 1996, particularly regarding the illegal street racing activities which it prohibits and the penalties provided for any breach of the Act.**

**The Government response**

The Roads and Traffic Authority replied that the Traffic Amendment (Street and Illegal Drag Racing) Act 1997 contains a number of specific provisions. Firstly, it provides for an offence of causing one driving wheel to lose traction, thereby reducing the unintended restriction of the reference to ‘driving wheels’ in the original legislation. Secondly it prescribes a period of up to 10 days for police to impound vehicles. It also clearly identifies that offenders cannot avoid the seizure

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of vehicles by driving them onto private property.

The Roads and Traffic Authority implemented a public information campaign to coincide with the introduction of this legislation.

The Minister for Police advised that every opportunity is taken to promote police enforcement activity associated with this legislation.

#### CITY EAST REGION

The City East Region has an on-going problem with car enthusiasts' from outside the region congregating at certain locations for the purpose of committing offences under Section 4BA of the Traffic Act. The sheer number of persons congregating sometimes makes enforcement of the Traffic Act difficult, if not impossible. Locations such as Anzac Parade, La Perouse, which is a dead end loop road, is often filled with slow moving cars or pedestrians deliberately preventing police access to vehicles committing traffic offences. The City East Highway Patrol Operations have been designed to be multi-faceted and to include specialists. As well as local highway patrol units, the operations include local general duty police, highway patrol staff from Georges River and Endeavour Regions, Police Rescue Squad, Dog Squad, Roads and Traffic Authority inspectors, and Environmental Protection Authority inspectors. A vehicle inspection station is established each operation in the Emergency Centre at Port Botany and target vehicles are directed to that location and inspected by Roads and Traffic Authority and Environmental Protection Authority inspectors for roadworthiness. As well, technical assistance from STIB was provided by way of setting up remote video surveillance of a target location which yielded three videos of driver behaviour. Operational strategy recognises the difficulty of apprehending the traffic offenders within the security of the large group. To combat this, plainclothes police in a variety of covert vehicles are placed within the crowd, monitor the situation, and detect offences. The offending vehicles are then 'tagged' as they leave the target locations and intercepted by highway patrol vehicles well away from the location of offence. The vehicles are directed to the vehicle inspection station, inspected by Roads and Traffic Authority and Environmental Protection Authority inspectors, and then infringed for any offence under Section 4BA. Confiscated vehicles are then collected en-masse from the inspection station at the completion of shift. Results achieved from Operation KILOWATT to date:

Traffic Infringement Notices	: 599
Radar Infringement Notices	: 140
Defect Notices	: 358
Burnouts	: 20
Street Racing	: 2
Confiscations	: 20
Charges	: 61
Intelligence Reports	: 28

It is intended to continue Operation KILOWATT for the foreseeable future. Whilst there has been some moderating influence on the target driver behaviour, instances of unlawfulness by this group

still remain a problem.

#### WOLLONGONG

Within the Wollongong Local Area Command police are actively involved in operations where vehicle enthusiasts visit the beaches along the east coast. Invariably this is also a source of a number of complaints ranging from anti-social behaviour to acts committed in vehicles, commonly known as 'burnouts'. To date, the legislation pertaining to Street and Illegal Drag Racing has been used very effectively, not only within the Wollongong Local Area Command but the entire South Eastern Region. In the Wollongong Local Area Command, 16 operations titled MARINE DRIVE have been conducted along the east coast of the Wollongong Command. These operations have been conducted after consultation with Wollongong City Council, Roads and Traffic Authority, Environmental Protection Authority, local businesses affected by the behaviour and of course members of the public. In excess of 70 vehicles have been confiscated under the parameters of this legislation. The legislation has been very effective in reducing the incidents of 'burnouts' being conducted. Another item of interest is the introduction of the new Silver Eagle radar, vehicle-mounted speed camera and LIDAR speed detection device in use by the New South Wales Police Service. In April, 1999 the supervisor of the local Wollongong Highway Patrol approached the Prosecuting Services Branch, Wollongong Local Area Command, and offered Highway Patrol services to have Magistrates accustomed with the principles of the devices. The Supervisor, Highway Patrol, offered the services with the view to further enhance the creditability of the instruments and to give the judiciary an idea of the principles of the devices and how they function.

#### Comment

STAYSAFE is generally satisfied with the response to this recommendation at this time. However, no information regarding the effectiveness of the Roads and Traffic Authority's public information campaign was enclosed in the response given to STAYSAFE.

**RECOMMENDATION 6: The Roads and Traffic Authority undertake appropriate research into use of motor vehicle impoundment, confiscation and forfeiture as punitive sanctions for illegal road behaviours.**

#### The Government response

The Roads and Traffic Authority replied that police currently have the powers to confiscate vehicle keys for up to 24 hours if an officer is of the opinion that the driver is under the influence of alcohol or any other drug. A range of punitive sanctions for illegal road behaviours, including increased penalties and breath alcohol interlock devices, is being examined. A six month trial of interlock devices commenced on 1 July 1999. Following evaluation of the trial, the Roads and Traffic Authority will examine the feasibility of implementing a range of sanctions, including vehicle impoundment for serious offences such as repeat drink drive offences.

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**Comment**

STAYSAFE is not satisfied with the response to this recommendation. STAYSAFE called for a general assessment of vehicle impoundment as an element of effecting compliance with road transport laws; this assessment has not been done.

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# 10

## RESPONSE TO STAYSAFE 36 (1997)

### *General comment - The Government response*

#### **General comment**

10.1 STAYSAFE 36 (1996)— ‘Drivers as workers, vehicles as workplaces: issues in fleet management’— published the proceedings of a seminar on work-related driving held on Monday 29 April 1996.

10.2 STAYSAFE notes that the seminar on road safety issues in the workplace appears to have been the catalyst for a number of projects, including projects involving the Southern Sydney regional Organisation of Councils, Queensland Transport, and a review by the Monash University Accident Research Centre, that have addressed the relationship between workplace safety and road safety:

- Sochon, P. (1999). Improving driver and vehicle safety: Fleetsafe policy and guidelines for local government in the southern Sydney region. Mascot, NSW: Southern Sydney Regional Organisation of Councils (SSROC).
- Freeth, S. (undated). Fleetsafe - Fleet safety & local government in the southern Sydney region. Mascot, NSW: Southern Sydney Regional Organisation of Councils (SSROC).
- Sochon, P. (2000). Best practice workplace driving safety programs in NSW. Paper presented at the 65th annual conference of the Royal Society for the Prevention of Accidents, Plymouth, England, 6-8 March 2000.
- Anderson, W., Plowman, B., Leven, B. & Fraine, G. (1998). Workplace fleet safety: How to conduct a self-audit. The workplace fleet safety system. Fortitude Valley, Queensland Transport.
- Anderson, W., Plowman, B., Leven, B. & Fraine, G. (1998). Workplace fleet safety: Self-audit workbook. The workplace fleet safety system. Fortitude Valley, Queensland Transport.
- Anderson, W. & Plowman, B. (1999). An integrated approach to fleet safety in the workplace. Paper presented at the 7th annual SIA conference, Radisson Plaza Hotel, Cairns, Queensland, August 1999.

- Haworth, N., Tingvall, C. & Kowadlo, N. (2000). Review of best practice road safety initiatives in the corporate and/or business environment. Report No. 166. Clayton, Vic.: Monash University Accident Research Centre.

### **The Government response**

No comment was received from the Government.



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# 11

## RESPONSES TO STAYSAFE 37 (1997)

*General comment - Responses to specific recommendations*

### **General comment**

11.1 STAYSAFE 37—‘Driver licensing in New South Wales: First entry into the driver licensing system’—is a major report dealing with the crucial issue of serious injury to young drivers from road crashes that proposed major reforms to driver licensing in New South Wales. The report followed a Ministerial Reference requesting examination of the driver licensing system for light motor vehicle drivers in New South Wales.

11.2 STAYSAFE noted that in its recent reports it had identified the urgent need to ensure that the Carr Government’s objectives of fewer than 500 road fatalities and fewer than 5,500 serious casualties from road crashes by the year 2000 will be realised. Reform to how we deal with young drivers would be a major initiative necessary to achieve the Carr Government’s road safety program objectives, and reform of the graduated driver licensing system was one of the keys to further reductions in road trauma now and in the longer term. The inquiry into the New South Wales driver licensing system is one of the most extensive and detailed inquiries undertaken by STAYSAFE.

11.3 The mid-1990’s proved to be a watershed for driver licensing administrators and road safety workers interested in driver education, training and testing. Throughout the motorised world—in Europe, North America, and Australasia—significant reviews and research were, and continue to be, conducted into all facets of driver licensing, notably young drivers, elderly drivers, high-risk drivers, recidivist and habitual traffic offenders, and drivers of heavy vehicles. Information and research concerning all manner of categories of driver licensing is being scrutinised in a search for better and safer methods of managing all drivers within a driver licensing system. Arising from this process are new and novel proposals for consideration, some of which challenge accepted practice in driver licensing dating from the turn of the 20th century. The impact of new technologies in driver licensing, ranging from the maintenance and interrogation of mass databases of driver information through to the possibilities offered by smart card technologies and developments in vehicle information technology, has provided an impetus to the questioning of basic aspects of driver licensing practice.

11.4 A major briefing paper into driver training and testing released by the European Transport Safety Council in 1996 noted that:

“At the beginning of the motorised era, new car owners were taught how to handle the brakes, the accelerator, the clutch and other technical features of the vehicle and they were ready to move the vehicle off. With increasing motorisation basic behavioural rules and regulations on how to interact with other road users were introduced. Not long afterwards, in the beginning of this century the first European countries introduced driver training and testing and the driver licence....

It is surprising and disappointing that now, more than 60 years later, despite an enormous increase in motorisation and consequently, an enormous increase in the complexity of the traffic system, and in the light of the almost universal finding that the newly-trained driver is over-represented in accidents, little has changed with respect to training, testing and licensing requirements in most countries.”

11.5 STAYSAFE is committed to a complete review of the New South Wales driver licensing system as it applies to the drivers of cars and other light vehicles, and hopes that, in several years time, the European Transport Safety Council will be able to report that in New South Wales, at the least if not throughout Australia, much has changed with respect to the training, testing and licensing of new drivers.

11.6 The practical reality of road trauma is that young drivers are involved in more than a quarter of the fatal road crashes in New South Wales each year, and also in more than a quarter of the serious injury road crashes, yet they hold only about 10% of the drivers licences on issue. About two-thirds of accidental deaths in the 17-24 year age group are as a result of road trauma. As a community, we cannot accept these statistics. We must look to major reforms to reduce this trauma. The personal tragedies, and the social and economic costs to New South Wales, are unacceptable and are so unnecessary. Nobody wins when road crashes occur.

11.7 STAYSAFE proposed major reform of the New South Wales driver licensing system, including:

- Extended minimum licence tenure for learner drivers, to 12 months (rather than 6 months as is the current provision)
- Extended licence tenure for provisionally licensed drivers, to a period of between three and five years (rather than 12 months as is the current provision)
- Confirmation of compulsory carriage of drivers licences, together with police power to conduct random licence checks
- Financial incentives to remain a learner driver, including relatively cheap learner licences, but more expensive provisional licences

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- Encouragement of insurance incentives for young drivers, such as reduced premiums for provisionally licensed drivers if they had remained in the learner phase for a long period, or if post-licence driver training is undertaken
  - Emphasis on the major role played by parents in teaching their children to drive, with improved information for parents, research into the driver training process involving parents and their children, and consideration of parents' legal rights regarding minors whose driving causes worry and concern.
  - Development of a system of solo learner driving, subject to stringent conditions including a minimum period of at least 1 year's tenure of learner licensing under active supervision, specific restrictions for no passengers and no night driving, display of a unique and distinctive plate indicating solo learner status, and severe sanctions for non-compliance with solo learner driving conditions
  - Introduction of an exit test between provisional licensing and the full adult licence, involving assessment of a driver's ability to perceive road hazards and the effective performance of on road manoeuvres
  - Requirement for accumulation of bonus marks before progression to unrestricted licensing (e.g., through being offence free, undertaking post-licence training, etc.)
  - Encouragement of the development of alternative methods of driver education and testing, including competency-based assessment by accredited driving instructors
  - Further development of appropriate accountability and audit procedures for driving instructors, particularly with regard to competency-based assessment by accredited driving instructors
  - Encouragement of the development of a driver improvement program, including traffic offenders programs (traffic schools) and habitual driver legislation
  - Increase in the speed restrictions for learner drivers to 90 km/hm and abolition of the current 80 km/h speed restriction for provisionally licensed drivers
  - Encouragement of further research and exploration of the means to maintain the access of young people to the New South Wales roads system while reducing the likelihood of risky and dangerous behaviour by young drivers

11.8 The current procedure for licensing new drivers through the learner and provisional phases lasts a minimum of 18 months and typically for about 2 years. Under STAYSAFE's proposals, the minimum period for licensing new drivers through the learner and provisional phases will be 4 years (1 year in the learner phase, and 3 years in the provisional licensing phase), and may last up to 8 years if a new driver wishes to stay in the learner and provisional phases for the maximum period.

11.9 The Government responded to the findings and recommendations in the STAYSAFE 37 report in late November 1999. The Hon. Carl Scully MP, Minister for Roads, announced a major revamping of the New South Wales driver licensing system for new drivers, as part of a new ten-year road safety strategy, Road Safety 2010:

“One of the things we have particularly concentrated on is young drivers, the 17-25 year olds. We have found they are being killed on our roads at a higher rate than is warranted by the number of licences held by that age group. The anecdotal superficial response to the question, ‘Why is that so?’ is, ‘They are reckless; they are indifferent to their safety’. That is not so. Research reveals that 17-25 year olds rank much higher in our accident statistics because of inexperience.

Today I announced a fundamental change to the way in which we license young drivers. At the moment, young people wishing to get a licence have to take a knowledge test to get their L plates. They then undergo a period of instruction followed by a practical test to obtain their P plates. Twelve months later they obtain a full licence. I announced today that in July next year a different system of licensing drivers will commence. The driver knowledge test will remain. Young people will remain on their L plates for a period, but those instructing young drivers will be expected to certify at the back of a logbook that they have various standards of competency, such as night driving, driving on multilane roads, driving at peak hour, driving at night, etc..

They will still undertake the practical test, but the Government will include something new in that learner-to-P-plate stage logbook. The Government has decided that young drivers need a greater period of supervision. At the moment they have only 12 months supervision and then progress from driving at 80 km/h to full licence and then to driving at 110 km/h. As Minister for Roads I believe it is appropriate that we have a greater degree of oversight and supervision of our young people. We need to keep a closer eye on them as they move from adolescence, to becoming learner drivers and to obtaining experience on the roads so that they can become fully-fledged licensed drivers, driving at a 110 km/h.

Part of the reason why young people figure so often in accident statistics is that we do not have a greater period of oversight or supervision as they obtain that experience through the system. When young people obtain their P plates the Government will require them to hold onto those plates for 12 months, as is the case at present, but they will be able to drive slightly faster at 90 km/h. At the end of that 12-month period they will be required to undertake what is called a computer-based hazard perception test. Effectively, the Government will make videos of certain hazardous situations on the road.

A young person will turn up at a registry, a video will be played on a computer screen and he or she will be required to touch the screen to indicate various responses to hazardous situations. Young persons who can demonstrate that they are knowledgeable in dealing with those situations will then proceed to the next stage to qualify for a provisional two-year licence. They will be required to hold that provisional licence for two years and will be able to drive at 110 km/h. In a sense, experience and knowledge will be rewarded and those who qualify will go to the next stage of a graduated licence system. At the end of the two-year period drivers will be put through another computer test, which will be a mix of advanced hazard perception tests, road safety questions and things of that nature.

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Drivers who have completed that test will then be entitled to a full licence. There are a range of other things in this road safety document. I invite every honourable member to read it closely. It contains a range of initiatives right across the area of road safety. The Government is concentrating in particular on dealing with young people so that we can achieve the targets that we have now set of 400 road fatalities by 2005, and 300 road fatalities by 2010. Those are challenging and ambitious targets, and they should be. Road fatality targets should not be easy to achieve; they should be difficult to achieve so that we do not become complacent about achieving them. I think they are achievable, but they are challenging for governments of either political persuasion. However, we should continue to endeavour to meet those targets." (Minutes of Proceedings of the Legislative Assembly, Wednesday 24 November 1999, pp.40-42)

11.10 Following the release of the Road Safety 2010 strategy, STAYSAFE wrote to the Hon. Carl Scully MP, Minister for Roads:

"I write to congratulate you on the release of a new driver licensing approach to combat road death and injury among our young people in New South Wales.

I note the reforms have been based on the findings and recommendations of a major report of the STAYSAFE Committee that reviewed the driver licensing requirements for novice drivers—STAYSAFE 37—which was released in 1997.

It is pleasing to see that the major thrust of the STAYSAFE Committee's recommendations for licensing reform have been accepted. In fact, the new graduated licensing system has incorporated some clever aspects that extend the Committee's recommendations, including a graded P1 & P2 provisional licensing system with differently coloured P-plates, and a further Driver Qualification Test at the end of the P2 licensing period.

The practical reality of road trauma is that young drivers are involved in more than a quarter of the fatal road crashes in New South Wales each year, and also in more than a quarter of the serious injury road crashes, yet they hold only about one-sixth of the drivers licences on issue. About two-thirds of accidental deaths in the 17-24 year age group are as a result of road trauma.

Reform of how we deal with young drivers is a major initiative necessary to achieve the Carr Government's road safety program objectives, and the graduated driver licensing system is one of the keys to further reductions in road trauma now and in the longer term." (Letter from Mr Grant McBride MP, Chairman to Hon. Carl Scully MP, Minister for Roads, 24 November 1999)

11.12 STAYSAFE notes that following the release of the STAYSAFE 37 (1997) report, STAYSAFE Director, Mr Ian Faulks was recognised internationally for his skills and knowledge in road safety, and particularly in driver licensing, and was invited to join an international working group examining the process of regranting licences to convicted drink-drivers and drug-drivers and

appointed as an expert advisor to the Swedish Government's road authority, the Swedish National Road Administration, as the Swedish Government moved to develop and introduce new driver licensing requirements.

## **Responses to specific recommendations**

### **RECOMMENDATION 1: The Roads and Traffic Authority:**

- (i) ensure that the novice driver curriculum is recognised and applied as one of the foundations of road safety in New South Wales;**
- (ii) continue to revise and refine the novice driver curriculum in light of developments in driver licensing, driver education and road safety research in New South Wales, in other Australian jurisdictions, and in overseas jurisdictions.**

#### **The Government response**

The Roads and Traffic Authority replied that information in *A Framework for Driver Education* (the new novice driver curriculum) was the basis for the comparison between young drivers from a range of post-licence driver training schools. This research was part of the NRMA Young Driver Research Project, in which the Roads and Traffic Authority participated. Information in *A Framework for Driver Education* was also included in the NRMA Driver Education CD-Rom titled *Shift*.

### **RECOMMENDATION 2: The Roads and Traffic Authority should:**

- (i) continue to support and encourage the development and use of school-based road safety materials applicable and relevant to young drivers; and**
- (ii) evaluate the effectiveness of use of school-based road safety materials applicable and relevant to young drivers.**

#### **The Government response**

The Roads and Traffic Authority replied that in 1998 the Authority showed its commitment to this area by the development and launch of the new video-based resource *Physics of Car Crashes* into schools. It was supported by professional development for teachers and schools. This resource was the latest of those for young drivers. Existing resources include the *Driving Experience*, *Go Back You're Going the Wrong Way* and *Road Whys*. Resources and the entire school education program are evaluated regularly. In 1998 the Road Whys resource was evaluated. This resource addresses the issues of speeding, drink driving, occupant restraints and driver fatigue and was designed as a police presentation for schools. The evaluation showed that the effectiveness of the resource would be enhanced by it being more closely aligned to the school curriculum. It also showed that teachers were slightly more effective than police in its delivery. As a result the resource has been distributed to teachers as well as police and it has been substantially promoted to schools and police. Teachers

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will manage how it is integrated into the curriculum but are strongly encouraged to use police as presenters and co-presenters where appropriate.

**RECOMMENDATION 3: The Minister for Roads ensure that there is effective encouragement and support of private sector initiatives to promote young driver safety that are sensible measures and consistent with the policy objectives of the Government.**

**The Government response**

The Roads and Traffic Authority replied that *A Framework for Driver Education* continues to be distributed to the driver instruction industry.

**RECOMMENDATION 4: The Roads and Traffic Authority should:**

- (i) **maintain the current practices of free access to the knowledge test and no waiting period penalties for test failure;**
- (ii) **continue to monitor developments in knowledge testing in other jurisdictions; and**
- (iii) **promote the better preparation of candidates for the knowledge test through improved information booklets, use of new computer technologies to present traffic law and road safety information, and a wider public availability of these information sources.**

**The Government response**

The Roads and Traffic Authority replied that there is currently no charge for driver knowledge tests. However, applicants who fail the knowledge test are required to wait until the next working day before re-attempting the test. There is no limit to the number of times an applicant can re-attempt the test. While developments in driver knowledge testing are, and will continue to be, monitored by the Roads and Traffic Authority, in fact the Roads and Traffic Authority has been shown to be a world leader in this field. The Roads and Traffic Authority has been approached by other jurisdictions for the use of the Roads and Traffic Authority's knowledge test questions and concept on an ongoing basis. The primary source of information for licence applicants preparing for the driver knowledge test is the relevant driver's or rider's handbook. The *Road Users' Handbook*, the *Heavy Vehicle Drivers' Handbook* and the *Motorcycle Riders' Handbook* are now available on the internet. The *Road Users' Handbook* is also available in a number of community languages

**RECOMMENDATION 5: The Minister for Roads maintain the minimum age for issuing a learners permit and commencing accompanied driving at 16 years of age.**

**The Government response**

The Roads and Traffic Authority replied that the minimum age for the issue of a learner's permit is

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16 years.

**RECOMMENDATION 6: The Minister for Roads amend the Traffic Act 1909 and related statutory rules to provide for the period of learners permit tenure in New South Wales to be extended from 15 months to a period of not less than three years.**

**The Government response**

The Roads and Traffic Authority replied that this recommendation is under consideration.

**RECOMMENDATION 7: The Minister for Roads amend the Traffic Act 1909 and related statutory rules to provide for the minimum period of tenure for a learners permit to be extended from 6 months to 12 months.**

**The Government response**

The Roads and Traffic Authority replied that this recommendation is intended to increase the amount of training and practice that novice drivers have before presenting for a driving test for a solo licence.

The road safety benefit of this proposal is uncertain. The Roads and Traffic Authority considers the current compulsory tenure of 6 months (for drivers under 25 years of age) an ample minimum time for learners to gain the necessary training and practice. The recommended 12 months minimum tenure would be unlikely to guarantee more mature provisional drivers but will have an adverse impact on young people by increasing the time it takes to get a licence that would allow solo driving.

It would also cause disruption for the management of the Roads and Traffic Authority's driver testing functions and for the commercial driver training industry.

**RECOMMENDATION 8: The Minister for Roads maintain the requirement for learner drivers to display L-plates at both the front and the rear of the motor vehicle whenever they are driving.**

**The Government response**

The Roads and Traffic Authority replied that this recommendation is supported, and continues the existing policy.

**RECOMMENDATION 9: The Minister for Roads maintain the current formula for setting the fee for obtaining a learners permit, and continue to base this formula on the recovery of the administrative costs associated with the issue of the permit.**

**The Government response**

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The Roads and Traffic Authority replied that it agreed with this recommendation.

**RECOMMENDATION 10: The Roads and Traffic Authority develop and implement a system of solo (unaccompanied) learner licensing, at a minimum subject to the following conditions:**

- (i) prior completion of a minimum of 12 months accompanied driving;**
- (ii) specific restrictions on solo driving exposure such as limits on passengers, curfews (e.g., no night driving), etc.;**
- (iii) display of a unique and distinctive plate to indicate solo learners permit status; and**
- (iv) severe sanctions on non-compliance with solo learner licensing conditions.**

**The Government response**

The Roads and Traffic Authority replied that it did not support this recommendation. The Roads and Traffic Authority does not favour solo driving by those who have not undergone any form of assessment of driving skills. Further, the concept of a solo period of indefinite duration is not supported because there is no guarantee that it would lead to actual use of the licence so as to develop driving skills.

**RECOMMENDATION 11: The Minister for Roads amend the Traffic Act 1909 and related statutory rules to provide for the speed restrictions applicable to learner drivers to be a maximum speed of 90 km/h unless on roads zoned at a lower speed.**

**The Government response**

The Roads and Traffic Authority replied that this recommendation was under consideration.

**RECOMMENDATION 12: The restrictions applicable to learner drivers, including driving at all times under 0.02 gm/100 mls blood alcohol concentration (zero blood alcohol concentration) and free from the influence of other drugs; being prohibited from towing a trailer; and no demerit points should be continued, but a proposed restriction banning any person other than the learner driver and the instructor from being carried in a motor vehicle in which the learner driver is under instruction is not supported.**

**The Government response**

The Roads and Traffic Authority replied that this recommendation was under consideration.

**RECOMMENDATION 13: The Roads and Traffic Authority monitor the development of a learner driving test management system currently under development in Victoria as a joint project of the Victorian road authority (VicRoads), Swinburne University of Technology, and**

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**the driver instructor industry.****The Government response**

The Roads and Traffic Authority replied that the driving test management system referred to in this recommendation is based on using a hand-held computer to enter data and to monitor and record the conduct of a driving test. The computer holds an electronic version of the test sheet, which the testing officer completes in-vehicle during the course of the test. At the conclusion of the test, data is directly downloaded to the main testing and licensing computer. Swinburne University of Technology has developed a prototype hand held computer system for use when conducting the Driving Ability Road Test used in New South Wales. The Roads and Traffic Authority advised that extensive trialing will be required before a decision is made as to the suitability of the system.

**Comment**

STAYSAFE is satisfied with the response to this recommendation. STAYSAFE suggests that the Roads and Traffic Authority continue to monitor the potential applications of new and emerging digital technologies to the training and assessment of novice drivers.

**RECOMMENDATION 14: The Minister for Roads amend the Traffic Act 1909 and related statutory rules to provide for the period of provisional licensure in New South Wales to be extended from one year to a minimum of three years and a maximum of five years.**

**The Government response**

The Roads and Traffic Authority replied that this recommendation was under consideration.

**RECOMMENDATION 15: The Roads and Traffic Authority introduce effective and efficient exit tests to:**

- (i) assess drivers' perception of hazardous situations and conditions; and**
  - (ii) reassess drivers' abilities to manoeuvre vehicles safely and effectively;**
- before proceeding to full licensing.**

**The Government response**

The Roads and Traffic Authority replied that a prototype hazard perception test has been developed by the Roads and Traffic Authority and has been operating on a trial basis in six motor registries since 22 February 1999. Local government road safety officers are also be involved in the trial. The recommendation remains under consideration.

**RECOMMENDATION 16: The Roads and Traffic Authority assess the feasibility of introducing a bonus mark system for progression from a provisional driving licence to an**

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**unrestricted driving licence.****The Government response**

The Roads and Traffic Authority replied that this recommendation was under consideration.

**Comment**

STAYSAFE is not satisfied with the response to this recommendation. The Roads and Traffic Authority has indicated that this proposal is under consideration, but has not provided any detail regarding the manner by which the recommendation is being considered.

**RECOMMENDATION 17: The Minister for Roads amend the Traffic Act 1909 and related statutory rules to allow the maximum demerit points for provisional driving licence holders to be graduated, such that the following maximum demerit points are to be recorded against the licence record maintained by the Roads and Traffic Authority in each year of the provisional licence before administrative revocation action is taken:**

<b>First year of the provisional licence</b>	<b>Maximum of 3 points</b>
<b>Second year of the provisional licence</b>	<b>Maximum of 6 points</b>
<b>Third year of the provisional licence</b>	<b>Maximum of 9 points</b>
<b>Fourth and fifth year of the provisional licence (if used)</b>	<b>Maximum of 12 points</b>

**The Government response**

The Roads and Traffic Authority replied that this recommendation was under consideration.

**RECOMMENDATION 18: The Minister for Roads maintain the minimum age for obtaining a provisional driving licence at 17 years old.**

**The Government response**

The Roads and Traffic Authority replied that this recommendation was under consideration.

**RECOMMENDATION 19: The Minister for Roads maintain the requirement for provisionally licensed drivers to:**

- (i) display P-plates at the front and rear of the vehicle whenever they are driving; and**
- (ii) consider relaxing this mandatory display requirement for those provisionally licensed drivers who have been offence-free during 12 continuous months of provisional licensing.**

**The Government response**

In its initial reply, the Roads and Traffic Authority replied that this recommendation was under consideration.

**Comment**

STAYSAFE is generally satisfied with the response to this recommendation. In the new graduated licensing arrangements announced by the Hon. Carl Scully MP, Minister for Roads, in late 1999, a requirement for provisionally licensed drivers to display P-plates at the front and rear of the vehicle of the vehicle whenever they are driving has been maintained. STAYSAFE was not informed if consideration had been given to relaxing this mandatory display requirement for those provisionally licensed drivers who have been offence-free during 12 continuous months of provisionally licensing. STAYSAFE suspects that compliance with the green P-plate is likely to be problematic.

**RECOMMENDATION 20: The Minister for Roads increase the cost of obtaining a provisional driving licence, such that the cost of the provisional driving licence is at least three times the current value if the licence is obtained after holding a learners permit for between 12 months and two years, with reduced cost if the learners permit is held for periods longer than two years.**

**The Government response**

The Roads and Traffic Authority replied that this recommendation was under consideration.

**RECOMMENDATION 21: That the provisions and restrictions applicable to persons holding a learners permit or provisional driving licence apply regardless of age.**

**The Government response**

The Roads and Traffic Authority replied that this recommendation was under consideration.

**RECOMMENDATION 22: The Minister for Roads amend the Traffic Act 1909 and related statutory rules to remove the current speed restrictions applicable to provisional drivers.**

**The Government response**

The Roads and Traffic Authority replied that this recommendation was under consideration.

**RECOMMENDATION 23: The Roads and Traffic Authority clarify and publicise the rules and processes by which provisionally licensed drivers who pass the practical driving test in a vehicle fitted with an automatic transmission may undertake training and another practical**

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**driving test in a vehicle fitted with a manual transmission, in order to have the restriction on driving vehicles fitted with a manual transmission removed.**

**The Government response**

The Roads and Traffic Authority replied that this recommendation was under consideration.

**RECOMMENDATION 24: The Roads and Traffic Authority, in consultation with the Department of Transport and other interested parties, examine the costs and benefits of reducing the cost of public transport for 17-19 years olds as a countermeasure to control the driving done by provisionally licensed drivers.**

**The Government response**

The Roads and Traffic Authority replied that a Youth Road Safety Steering Committee was established in 1998. This committee has identified alternative transport options as important. Some local council road safety officers such as in Hawkesbury and Sutherland local government areas have introduced community transport options for young drivers on Friday and Saturday nights. The Special Minister of State replied that the Motor Accidents Authority supports this recommendation.

**RECOMMENDATION 25: The Minister for Roads, in consultation with the Minister for Transport and the Minister for Gaming and Racing, and other interested parties, encourage hotels, clubs, and other licensed premises to provide cabcharge vouchers or alternative means such as rebate coupons to encourage the use of public transport, including taxis.**

**The Government response**

The Special Minister of State replied that the Motor Accidents Authority supports this recommendation. A number of the Motor Accidents Authority project grants made to local councils through the Local Government Road Safety Initiatives Project encourage and support the provision of alternative forms of transport in association with hotels and clubs in an attempt to minimise drink driving and drink walking by patrons. The Roads and Traffic Authority replied that alcohol-related community road safety projects, funded and supported by the Roads and Traffic Authority, are often developed by locally based collaborative teams, usually project managed by a local council road safety officer or a drink drive prevention coordinator. A series of locally based drink drive projects resulted from a round of project grants offered by the Roads and Traffic Authority in 1998, some of which included:

Endangered Species - Central Coast Young Driver Awareness Campaign

Blues Festival Breathtesting - Goulburn/Mulwaree Councils

Check You're Under .05 Drink Drive Campaign - Campbelltown City Council

Arrive Alive—Don't Drink & Drive - Hurstville, Rockdale, Kogarah and Sutherland councils

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RoadWhys Road Safety Expo - Liverpool City Council

Pick a Skipper designated driver campaign - Albury Council

RU .02? No Drinks Means You - Blacktown, Fairfield, Penrith, Parramatta, Holroyd, Hawkesbury, Liverpool Councils

'No April Fools'—Young Drink Drive/Walk - Shoalhaven, Penrith & South Sydney councils

'Drink Safe Walk Safe' - South Sydney Council

"Don't Let Your Best Friend Get Smashed"—17-25 yr drivers - Warringah & Pittwater councils

Lismore Cup Race Day

Responsible service of alcohol practices are recognised as a key strategic area for reducing the incidence of drink driving/walking. Through specific project grants the Roads and Traffic Authority encourages local government and the community to work with licensed premises towards harm minimising service of alcohol practices. Locally based road safety projects that specifically target alternative means of transport and other responsible service practices include;

- "One Life One Chance" Shuttle Bus service, Sutherland; recently celebrated the patronage of the free service by 150,000 residents. Licensees of six local hotels and clubs have sponsored the bus service, which currently carries an average of 1,200 people every Friday and Saturday night. Participating venues also conduct activities to promote safe drinking practices, including information cards to patrons. Local police and Sylvania Community Health are also actively involved.
- The 'Summer Bus' is a service funded by the Roads and Traffic Authority as well as by the Illawarra Area Health Service and number of local venues. The 'Summer Bus' operates along the Princes Highway from Austinmer to Dapto on Friday and Saturday nights. This service is coordinated by the Illawarra Area Health Service's drug and alcohol service.
- Lismore Cup Race Day - Lismore City Council. This initiative is co-ordinated by Lismore Council road safety officer. The project aims to provide alcolisers for patrons to check their own blood alcohol levels; to raise awareness among racegoers and the local community of the risks of drinking and driving; to provide information about standard drinks and to encourage racegoers to consider alternative forms of transport. The project includes;
  - drink drive coasters provided for the bars on the day
  - free buses provided back into central business district then on to regular residential runs throughout Lismore's suburbs
  - Alcoliser Stand at the Turf Club prominently sited near the Main Gate turnstiles.
  - Media releases sent promoting the initiative
  - Advertising space in the 'free' community paper and in Race Program

Police enhance the initiative by conducting highly visible random breath testing throughout the local government area.

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- The Roads and Traffic Authority-funded Greater Murray Area Health Service drink drive prevention activities include:
    - The systematic testing of a group of patrons' blood alcohol levels at a local venue (e.g., Charles Sturt University) in a project called 'Operation Drinksafe' conducted in tandem with licensing police
    - Operation En-Lite-En, a breath analysis program - a cooperative venture between the New South Wales Police Service, the Roads and Traffic Authority, and the drink drive prevention coordinator
    - Responsible service of alcohol course, to enhance the TAFE and Tourism, Training and Employment Corporation courses (Department of Gaming & Racing approved) in line with the responsible service of alcohol liquor licensing legislation and the function licence affidavit
    - Bachelors & Spinners (B & S) Balls 'Breakfast and breath testing program'; includes interim responsible service of alcohol training; breakfast for the ball revellers; free breath testing and high profile policing (results from a pre and post analysis show driving with a prescribed concentration of alcohol offences down from 15 to 2, and alcohol-related incidents (street offences) down from 30 to 2).
    - 'Drink Link': A collaborative project comprising the drink drive prevention coordinator, the New South Wales Police Service, the Department of Education and Training, the Australian Hotels Association, the Registered Clubs Association, and others. Drink Link is a late night bus service. Members of the Wagga Wagga liquor industry have now sponsored the service initially funded by the Roads and Traffic Authority and Wagga Wagga City Council for the past 18 months. Approx. 150 young people utilise the service each Saturday night. Police report a 39% drop in PCA offences in the first 2 years of the bus operation.
    - The community development arm of the 'Remove Alcohol Impaired Drivers (RAID)', a designated driver project known as 'Pick a Skipper'. The RAID campaign is run in conjunction with mass media advertising by the Roads and Traffic Authority and weighted police enforcement during the high risk drink drive period leading up to Christmas.

### **Comment**

It is noted that during 1998 STAYSAFE had the pleasure of acknowledging the participation of the Drink Link program sponsors and supporters at an awards ceremony in Wagga Wagga during a regional visit of inspection.

### **RECOMMENDATION 26: The Roads and Traffic Authority, in consultation with other**

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**interested parties:**

- (i) **monitor the trial of competency based training and assessment underway in South Australia currently;**
- (ii) **evaluate the trial of competency based training and assessment for heavy vehicle applicants underway in northern New South Wales currently; and**
- (iii) **assess the feasibility of extending competency based training and assessment for driver licensing in New South Wales to include Class 1A licensing.**

**The Government response**

The Roads and Traffic Authority replied that in regard to the recommendation to monitor the trial of competency based training and assessment underway in South Australia, New South Wales is participating in an AUSTROADS project to evaluate the South Australian competency based training system for novice car drivers. The Roads and Traffic Authority advised that a draft report is being finalised. In regard to the recommendation to evaluate the trial of competency based training and assessment for heavy vehicle applicants underway in northern New South Wales, a trial of competency based training and assessment as the only means of gaining a heavy vehicle licence was conducted in northern New South Wales. Following the final report on the trial, the Minister announced that:

- competency based training and assessment will be retained as an alternative to the heavy vehicle driving test;
- competency based training and assessment will be enhanced to improve consistency of delivery; and
- the Roads and Traffic Authority's heavy vehicle driving test would be upgraded to make it a more comprehensive and demanding assessment so that it more closely relates to the standards required under competency based training and assessment.

The revised Roads and Traffic Authority driving test commenced on 15 February 1999, and the enhanced competency based training and assessment system commenced on 1 March 1999. In regard to the recommendation to assess the feasibility of extending competency based training and assessment for driver licensing in New South Wales to include Class 1A licensing, it is not appropriate to consider extending the competency based training and assessment system to class C drivers until the South Australian competency based training and assessment system has been evaluated and the New South Wales heavy vehicle competency based training and assessment scheme is operating satisfactorily.

**RECOMMENDATION 27: The Roads and Traffic Authority continue to develop mechanisms to monitor and audit the behaviour and compliance with appropriate standards of performance and conduct by driving instructors, particularly with regard to the implementation of competency based training and assessment programs.**

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**The Government response**

The Roads and Traffic Authority replied that mechanisms to monitor and audit the performance and conduct of driving instructors have been developed by the Roads and Traffic Authority. A review of the Driving Instructors Act (1992) is currently being undertaken. Measures, under the Act, to ensure the competency and integrity of driving instructors are included in the review. Monitoring and auditing of the driving instruction industry and competency based training and assessment assessors is ongoing.

**RECOMMENDATION 28: The Roads and Traffic Authority, in consultation with other interested parties:**

- (i) **monitor the study of father-son driver training to determine the nature of paternal influences on new driver behaviour, attitudes and beliefs that is underway in Newcastle currently; and**
- (ii) **assess the feasibility of developing further specific, targeted information and education programs for parents of children of pre-driving age and parents of new drivers generally.**

**The Government response**

The Roads and Traffic Authority replied that the latest research has been identified and reviewed. Parents as role models and supervisors are an important direction for future work. Discussion has taken place with VicRoads about parent workshops they have been operating in rural areas. The Special Minister of State replied that the Motor Accidents Authority supports this recommendation.

**RECOMMENDATION 29: The Roads and Traffic Authority assess the feasibility of amending the Traffic Act 1909 to provide for parental authority to revoke their child's learners permit, including an assessment of:**

- (i) **the likely number of learner drivers who might be affected by such a parental authority;**
- (ii) **the social costs and benefits associated with parental authority to revoke a learners permit;**
- (iii) **the appropriate period of revocation of the learners permit;**
- (iv) **the possible effect of such parental authority on unlicensed driving;**
- (v) **the mechanism by which such a revocation might be effected, including avenues of review or appeal.**

**The Government response**

The Roads and Traffic Authority replied that this recommendation is under consideration.

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**RECOMMENDATION 30: The Roads and Traffic Authority should:**

- (i) support and promote research into young driver safety; and
- (ii) generally monitor the outcomes of the NRMA's young driver research program, and take action to implement reforms as identified in the NRMA-sponsored research.

**The Government response**

The Roads and Traffic Authority replied that it has in place effective structures with all key road safety stakeholders, including the NRMA, to facilitate exchange of information. Focus group research is currently underway with young people across the state to identify effective strategies to address improvements in young driver safety. Recommendations arising from research are considered in light of demonstrated outcomes and the strategic priorities of the Road Safety Branch.

A road safety reference group was established in 1998 to involve key stakeholders, including the NRMA. This forum provides a mechanism for these stakeholders to contribute information on research and initiatives. Roads and Traffic Authority staff recently worked with the NRMA in the development of their driver education CD-Rom titled *Shift*, which enabled implementation of actions in the recommendation.

**RECOMMENDATION 31: The Roads and Traffic Authority consult, as appropriate, with the Department of Conservation and Land Management, Armidale City Council and Ku-ring-gai Municipal Council to ensure that:**

- (i) any future use of the driver education facility at Armidale and the Ku-ring-gai Road Safety Centre at St Ives is governed by a single State-wide road safety and traffic education strategy;
- (ii) the continuation, and new development, of driver education facilities is co-ordinated within a general State-wide strategy for road safety and traffic education facilities (including consideration of the roles and functions of motorcycle safety education, bicycle safety education and pedestrian safety education using off-road facilities); and
- (iii) appropriate management plans are developed and implemented to ensure road safety and traffic education facilities remain a viable priority.

**The Government response**

The Roads and Traffic Authority replied that driver education facilities at Armidale and St Ives were operated by Driver Training Australia Ltd until late in 1996. The Roads and Traffic Authority has worked with both Ku-ring-gai Municipal Council and Armidale City Council to ensure that the Roads and Traffic Authority's pre-licence rider training scheme and other road safety programs can continue to operate. The Armidale facility continues to operate under the control of Armidale City Council. The Ku-ring-gai facility is now operated by Honda Australia Roadcraft Training. While the Roads and Traffic Authority strongly supports road safety programs, it does not have a direct

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involvement in the development of driver education facilities or the delivery of driver training programs. Such facilities should continue to be provided by commercial or community organisations competing in the market place. The *Framework for Driver Education* developed by the Roads and Traffic Authority provides a strategic guideline to ensure the delivery of effective road safety and traffic education.

### **Comment**

STAYSAFE is not satisfied with the response to this recommendation. There is no State-wide strategy for road safety and traffic education that incorporates the two existing purpose built driver education centres. While the Ku-ring-gai facility is now operating on a commercial lease, the Armidale facility remains derelict with an unrealised capital investment by the New South Wales government in both driver training facilities (heavy vehicle skid pan, road infrastructure, etc.) and in office accommodation for the Roads and Traffic Authority's Driver Education Unit, a unit staffed by a Manager alone with no other staff.

### **RECOMMENDATION 32: The Roads and Traffic Authority should:**

- (i) investigate the feasibility of relocating the Driver Education Unit, Road Safety and Traffic Management Directorate from Armidale to another site, preferably within regional New South Wales; and**
- (ii) provide additional staffing for the Driver Education Unit, Road Safety and Traffic Management Directorate, as originally proposed on the establishment of the Unit.**

### **The Government response**

The Roads and Traffic Authority replied that the location and the function of the Armidale Driver Education Unit is currently being reviewed.

### **Comment**

STAYSAFE is not satisfied with the response to this recommendation. In 1990-91, an office block was built on the site of the Armidale driver education facility to house the Roads and Traffic Authority's newly established Driver Education Unit. This block, featuring reception area, office and storage spaces, a large meeting room, kitchenette, and wash room facilities, was intended to house a unit of 6-7 staff under a Manager, Driver Education. The Manager, Driver Education was appointed in 1991, but no further staff have been appointed since that time. The Manager, Driver Education has remained alone in the otherwise unoccupied office block since that time—perhaps this is one of the longest experiments in telecommuting in New South Wales? STAYSAFE remains very concerned with the failure to effectively utilise the Roads and Traffic Authority's offices at the Armidale driver education facility, and is also very concerned with the probable erosion of supervisory and managerial skills of the Manager, Driver Education, who has worked alone and without any staff since his appointment almost a decade ago.

**RECOMMENDATION 33: The Minister for Roads maintain the current requirement in New South Wales for compulsory carriage of a drivers licence if driving a motor vehicle.**

**The Government response**

The Roads and Traffic Authority replied that New South Wales is maintaining this requirement in its law.

**RECOMMENDATION 34: The Minister for Roads, in consultation with the Minister for Police, amend the Traffic Act 1909 to provide police with the power to conduct random checks to ensure that, first, drivers are carrying their driving licence, and second, that drivers are authorised to drive and/or to drive the type of vehicle.**

**The Government response**

The Roads and Traffic Authority replied that this recommendation is under consideration.

The Minister for Police advised that this recommendation has not been implemented. Effective from 1 March 1999, the Road Transport (Driver Licensing) Act was introduced to provide for the establishment of a driver licensing system, in accordance with agreements scheduled to the National Road Transport Commission Act 1991 of the Commonwealth, as part of a uniform national approach to driver licensing.

**Comment**

STAYSAFE is not satisfied with the response to this recommendation. STAYSAFE notes that police already in essence have this power: in conducting random breath testing operations (both for stationary and mobile testing) police may conduct a check of the driver licence.

**RECOMMENDATION 35: The Roads and Traffic Authority, in consultation with the Motor Accidents Authority, the Insurance Council of Australia, and interested insurers and underwriters, seek to:**

- (i) identify insurance products that have been designed to be more equitable to young drivers and at the same time improve their road safety performance; and,**
- (ii) promote the development of, insurance products that are more equitable to young drivers and at the same time improve their road safety performance.**

**The Government response**

The Roads and Traffic Authority replied that consultation has occurred with the Motor Accidents

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Authority and NRMA about innovative approaches and incentives to promote road safety to young people. There has been an extensive review of practices and initiatives in other states aimed at identifying incentives to improve the road safety performance of young drivers. It should be noted that the NRMA has recently reduced insurance costs for customers supervising under-25-year-old drivers.

The Special Minister of State replied that the Motor Accidents Authority supports this recommendation. Activity to date in relation to (i) and (ii) has included:

- In relation to the cost of the 'Greenslip' to make it more equitable for young drivers, the Motor Accidents Authority uses the community-rating concept rather than using risk rating so that good risk drivers subsidise poor risk drivers. For example the cost of the Greenslip for people aged under 25 years (generally poor risk drivers) is around \$545 whereas the real risk rated premium for this group would be in excess of \$1,000. The Greenslip is heavily subsidised by drivers over 30 years that pay around \$400.
- During 1999 the Motor Accidents Authority established the High Risk Working Party comprising representatives from Motor Accidents Authority, the Insurance Council of Australia and the Institute of Actuaries. There is provision under new legislation—the Motor Accidents Compensation Act 1999—to look at establishing a risk pool for high risk drivers under 25 years of age which is currently being discussed with insurers. There will be market practice guidelines developed for insurers to adhere to, to avoid negative marketing behaviour. This will enable more accessible 'Greenslips' for young drivers.
- Insurers will be able to consider a number of risk rating factors when determining premiums to be charged. These include age of driver, gender, age of vehicle, type of vehicle, insurance history and driving record.

**RECOMMENDATION 36: The Minister for Roads direct the Roads and Traffic Authority to provide funding for formal evaluations of the existing traffic offender programs before proceeding with the development and implementation of a new driver improvement program.**

#### **The Government response**

The Roads and Traffic Authority replied that a formal evaluation of the traffic offender programs has been conducted by the Roads and Traffic Authority in conjunction with traffic offenders coordinators and magistrates. The report will be completed in September 1999.

#### **Comment**

STAYSAFE is satisfied with the response to this recommendation. STAYSAFE notes that the evaluation has been completed, and the results published through a presentation to the 1999 Road Safety Research, Policing and Education conference.

**RECOMMENDATION 37: The Roads and Traffic Authority ensure that any communication strategy developed to support the regulatory requirements, policies, and programs for new drivers:**

- (i) addresses issues of potential resistance from the public, including questions concerning social justice;**
- (ii) utilises advertising and publicity, wherever possible, that provides dual messages about driver licensing requirements and other road safety issues.**

**The Government response**

The Roads and Traffic Authority replied that no action has been taken, since the recommendation is still under consideration by the government.

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# 12

## RESPONSES TO STAYSAFE 38 (1997)

*General comment - Responses to specific resolutions*

### General comment

12.1 STAYSAFE 38 (1997) reported the proceedings of the 2nd meeting of Australasian Parliamentary road safety Committees and Ministerial nominees, Parliament House, Sydney, Wednesday 2 April 1997 and Thursday 3 April 1997.

12.2 The meetings of the Australasian Parliamentary road safety Committees were instituted at STAYSAFE's suggestion, with the first meeting hosted by the Commonwealth in Canberra in early 1995—this meeting was unreported. The meetings provide a forum for legislators and Committee staff to discuss inquiries that have been undertaken, share procedural and research information, and be briefed on national and international developments in road safety.

12.3 The third meeting of the Australasian Parliamentary road safety Committees was hosted by Queensland Parliament's TRAVELSAFE Committee in Brisbane in mid-1999 (see TRAVELSAFE xxxx, 1999).

12.4 The meeting of Australasian Parliamentary road safety Committees and Ministerial nominees authorised four resolutions by unanimous vote, dealing with the introduction of a 50 km/h general urban speed limit, the introduction of driver licensing programs requiring vehicle ignition interlocks for problem drink drivers, the introduction of hazard perception tests as part of the licensing requirements for new drivers, and indicating the support of the Australasian Parliamentary road safety Committees for current road trauma reduction programs. STAYSAFE requested a general comment from Government agencies concerning the issues raised in the resolutions.

### Responses to specific resolutions

**RESOLUTION 1: That this combined meeting of the Parliamentary road safety Committees:**

- **supports the introduction of a general urban speed limit of 50 km/h;**

- recognises that main roads, arterial and sub-arterial roads and other carriageways, where appropriate, can be signalled at other limits as determined by relevant State and local authorities to allow for the safe and efficient movement of traffic; and
- calls upon the Australian Transport Advisory Council, the Ministerial Council on Road Transport, and other participating agencies to implement a 50 km/h general urban speed limit as a matter of urgency.

#### **The Government response**

The Roads and Traffic Authority advised that in June 1998 the Hon. Carl Scully MP, Minister for Roads, invited all local councils to implement a 50 km/h urban speed limit in conjunction with the Roads and Traffic Authority. Currently 79 Councils are working in partnership with the Roads and Traffic Authority to implement 50 km/h urban speed limits and improve road safety for their communities. In the Sydney Metropolitan and Central Coast areas 90% of local councils have installed 50 km/h signage. The initiative has been a highly successful partnership between the Roads and Traffic Authority and local councils and has been strongly supported by local councils and their communities. The Special Minister of State replied that the Motor Accidents Authority supports this resolution.

**RESOLUTION 2: That this combined meeting of the Parliamentary road safety Committees encourages State and Territory Roads and Transport Ministers to implement alcohol ignition interlock programs for repeat drink-drive offenders and for problem drink-drivers— that is, drink-drivers who have tested above .15 BAC.**

#### **The Government response**

The Roads and Traffic Authority advised that on 24 January 1999, the Hon. Carl Scully MP, Minister for Roads, announced a two phase breath alcohol ignition interlock trial. Implementation of phase one of this trial commenced in July 1999. Phase one will consist of up to 50 volunteer drink drivers. Following an evaluation of this six month period, the Roads and Traffic Authority will report to the Government. The Special Minister of State replied that the Motor Accidents Authority supports this resolution. The Attorney General replied that primarily the resolutions raise general policy and operational issues for consideration by State and Territory Roads and Transport Ministers. The suggestion for the use of alcohol ignition interlock programs for repeat drink-drive offenders or problem drink-drivers raises some practical and legal policy issues that would need careful consideration.

**RESOLUTION 3: That this combined meeting of the Parliamentary road safety Committees calls upon State and Territory Roads and Transport Ministers to ensure that there is continued investigation of hazard perception technologies for young and novice drivers as part**

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**of a pre-licensing and ongoing licensing program dealing with detection of risk in hazardous situations.**

**The Government response**

The Roads and Traffic Authority advised that a prototype hazard perception test has been developed by the Roads and Traffic Authority and has been operating on a trial basis in six motor registries since 22 February 1999. Local government road safety officers will also be involved in the trial. The purpose of the trial is to evaluate whether a hazard perception test should be incorporated into the process of learning to drive as part of the licensing system. It is expected that the trial and evaluation will be completed late 1999. The Special Minister of State replied that the Motor Accidents Authority supports this resolution.

**RESOLUTION 4: That the combined meeting of the Parliamentary road safety Committees issue a general statement supporting the Australasian Roads Ministers in their efforts to identify and implement road safety initiatives and to identify and implement countermeasures to reduce the personal and economic loss to the community arising from road trauma.**

**The Government response**

The Roads and Traffic Authority advised that this is a matter for the Chairs of the Parliamentary road safety committees. The Special Minister of State replied that the Motor Accidents Authority supports this resolution.

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# 13

## RESPONSE TO STAYSAFE 39 (1997)

*General comment - The Government's response*

### General comment

13.1 The STAYSAFE 39 (1997) report published the proceedings of a seminar on young drivers, held at Parliament House, Sydney, 30 April 1997. In previous reports (e.g., STAYSAFE 37 (1997)), STAYSAFE had called for the road safety community in Australia to conduct and publicise appropriate and sufficient basic research to support the development of better policies to improve young driver safety.

13.2 The STAYSAFE 39 (1997) report documents the positive response to this call, including research into:

- driver education sponsored by the NRMA, including a review of the South Australian competency-based driver licensing system, an examination of what fathers say to their teenage sons about risky driving, and an evaluation of Tasmania's school-based driver education program
- driver testing and alternative means of documenting and assessing driving competency
- the nature of risky behaviour by young drivers
- general driver education issues such as curricula for study, the type and nature of training offered in private tuition and by commercial trainers

13.3 In the STAYSAFE 39 (1997) report, STAYSAFE confirmed its view that reform to how we deal with young drivers would be a major initiative necessary to achieve the Carr Government's road safety program objectives.

### The Government's response

The Government made no comment regarding the STAYSAFE 39 (1997) report.

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# 14

## RESPONSE TO STAYSAFE 40 (1997)

*General comment - The Government's response*

### **General comment**

14.1 The STAYSAFE 40 (1997) report continued the examination of the proposed 50 km/h general urban speed limit for New South Wales and published a progress report and the edited minutes of evidence taken by STAYSAFE in preparing the STAYSAFE 34 (1996) report.

14.2 The original STAYSAFE 34 (1996) report proposing a 50 km/h general urban speed limit was distributed widely to all persons who gave written or verbal evidence to the STAYSAFE Committee, to State and Territory road safety authorities, and to all local government authorities in New South Wales. The STAYSAFE prepared this additional report in order to make available to legislators and policy makers throughout Australia further relevant information relating to the implementation of a 50 km/h general urban speed limit.

14.3 STAYSAFE noted that in August 1996, the Minister for Roads, the Hon. Carl Scully MP, announced a major trial of a 50 km/h urban speed limit in a range of Sydney and regional local Government areas from 1 October 1997. STAYSAFE also noted that a significant effort and expenditure has already been incurred in examining, discussing and debating the issues associated with a 50 km/h general urban speed limit: by the Committee itself, by local government, by the State and federal bureaucracy and by the New South Wales community. STAYSAFE cautioned that care should be taken to ensure that the strong support for the reduction in the general urban speed limit is not diminished, and the implementation of a 50 km/h general urban speed limit jeopardised, because of inappropriate action and advice.

### **The Government's response**

The Government made no comment regarding the STAYSAFE 40 (1997) report.

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# 15

## RESPONSE TO STAYSAFE 41 (1998)

*General comment - The Government's response*

### General comment

15.1 The STAYSAFE 41 (1998) report documented the review of the road safety situation in New South Wales in 1995. As an ongoing task, STAYSAFE is required to, first, monitor, investigate and report on the road safety situation in New South Wales, and, second, review and report on countermeasures aimed at reducing deaths, injuries, and the social and economic costs to the community arising from road accidents.

15.2 The STAYSAFE 41 (1998) report, the second report to be issued under the annual review process, confirmed the strong leadership of the Roads and Traffic Authority in policy and program development to reduce road trauma, but, unfortunately, also continued to identify the deficiencies in the Roads and Traffic Authority's documentation and responsiveness that were described in the preceding annual review covering the 1994 period (STAYSAFE 31, 1996). Hopefully, these deficiencies will be corrected as STAYSAFE continues to monitor and review the road safety activities of Government agencies.

15.3 STAYSAFE noted that there are potentially enormous benefits to be gained out of the new approaches to road safety that are being evolved, including the 'Vision Zero' concept in Sweden, the integration of road safety and environmental issues that is occurring in European jurisdictions, and the shift from a specific road transport safety focus to more general policy and program development activities that focus on community safety.

15.4 There is also a wider aspect. The very success of our dealing with road trauma is providing an impetus for the better dealing on other areas of injury and trauma. In particular, in the area of workplace trauma. I note here the recommendation of the Law and Justice Committee in another place for the formation of a workplace safety committee similar to STAYSAFE. This is a recommendation that reflects the importance of Parliamentary Committees such as STAYSAFE in dealing effectively with unintentional deaths and injuries in the New South Wales community.

15.5 STAYSAFE noted that sometimes Parliamentary Committees have to be tough. STAYSAFE 41 (1998) reflects that there is a need for toughness and being hard-nosed, documenting the rather messy dealings of the road and the transport portfolios in responding to the STAYSAFE 26 (1994) report into the safety of school children around buses. To put it bluntly, STAYSAFE found that the behaviour of Roads and Traffic Authority and Department of Transport officials in assessing the findings and recommendations of the STAYSAFE 26 report had been deficient and neglectful. Many of the crucial recommendations were initially rejected. Those rejected recommendations were belatedly being implemented. Overall, STAYSAFE found that there was not any attempt to view the findings and recommendations as a complete package of countermeasures. Instead, each recommendation had been examined in isolation, and attempts had been made to demonstrate why each recommendation alone should be rejected. STAYSAFE noted that during the inquiry the view of Government officials had been that three or four children being killed around school buses each year was something that we just had to accept, and that if there was anyone to blame, it was all the parents' fault. STAYSAFE said "No! That attitude and that policy is unacceptable! There are things that we can do—all of us—whether we're a drivers passing by, a bus driver, a teacher, a parent, or a Government official." In particular, STAYSAFE acknowledged the remarks of Brian Evans, who lost his son Eric on the last day of school in 1996, when he wrote to the Sydney Morning Herald:

"My son didn't die because his parents didn't care for him, he died because five-year-old children get excited, vehicles are allowed to pass school buses and buses are permitted to run early ... these issues remain disgracefully uncoordinated and at the mercy of vested interests in the transport industry. Our kids deserve better."

15.6 STAYSAFE stated it would continue to investigate new ways to eliminate road trauma, and review the existing policies and practices to see if we can do better with what we already have in the armoury. The documentation of current and previous road safety-related work by Government agencies, and the exploration of new approaches to road safety, would remain as the central approaches of the annual review activities in the future.

### **The Government's response**

The Government made no comment regarding the STAYSAFE 41 (1998) report.

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# 16

## RESPONSE TO STAYSAFE 42 (1998)

*General comment - The Government's response*

### General comment

16.1 The STAYSAFE 42 (1998) report documented the review of the road safety situation in New South Wales in 1996. As an ongoing task, STAYSAFE is required to, first, monitor, investigate and report on the road safety situation in New South Wales, and, second, review and report on countermeasures aimed at reducing deaths, injuries, and the social and economic costs to the community arising from road accidents.

16.2 STAYSAFE identified three strong themes to underpin its work: transparency, accessibility, and accountability. That is, STAYSAFE seeks *transparency* in respect of road safety activities in New South Wales, and it expects that information concerning the development and implementation of road safety activities should be *accessible* to the general community. If information about road safety activities is openly available, then the *accountability* to the community of road safety workers and organisations will be enhanced.

16.3 Road safety activities in New South Wales are, in the main, funded through the public purse. At the same time, road safety activities are not subject to specific concerns over confidentiality or privacy. Taking these points together, there is no particular reason to conceal or mask the Government's efforts to reduce road trauma through spending on programs of countermeasure implementation or countermeasure research and evaluation. The compilation of annual reviews of road safety activities in New South Wales serves to address the themes of transparency, accessibility and accountability in a manner which is otherwise not available to Parliament through the conduct of specific issue-based inquiries.

16.4 STAYSAFE noted that it had now conducted three annual reviews of the road safety situation in New South Wales, covering the years 1994, 1995, and 1996. Over this period, STAYSAFE had noticed a steady improvement in the willingness and capacity of public officials to identify, collate and document the information required to conduct a review of the annual road safety situation. The first review of 1994 road safety activities saw STAYSAFE take extraordinary steps, first, to

terminate a public hearing because of a witness' initial refusal to answer a lawful question relating to the expenditure of public funds, and second, to advise a Minister of State to not sign a submission to the Committee because the submission was known to contain significant errors of fact. It is fair to say that public officials were surprised and confused by a Parliamentary examination of the general management of road safety activities. The wide-ranging canvassing of responses across the full extent of road safety activities was challenging to senior managers more used to a specific, limited inquiry into a particular aspect of road safety. The request for an overall coherent summary of road safety activities proved to be a difficult task for some senior managers, as the collation and documentation of such work was not seen, oddly, as being 'core business' managerial requirement.

16.5 The second review of the 1995 road safety situation saw a continuation of a reluctance of some public officials to declare road safety activities openly, which led to an extension of public hearings over several months in order to gain satisfactory responses to questions posed by STAYSAFE. However, by the time of the review of 1996 road safety activities there had been major changes in the senior management of several of the organisations involved in actions to reduce road trauma, and STAYSAFE noted that many of the problems associated with the earlier reviews had not recurred.

16.6 It still remained, however, that over the three years of road safety activities reviewed by STAYSAFE the link between specific actions taken during a period of time under review and the overall strategy defined by the Road Safety 2000 planning process was not clear. What was said in the strategy is not what was actually being done. STAYSAFE concluded that as the period covered by the Road Safety 2000 planning process draws to a close, there was a need to pay specific attention to the success or otherwise of actions listed to be undertaken at a particular time and the overall strategy in which those actions are nested. On the basis of the information presented to STAYSAFE, such evaluations of the effectiveness of the action plans developed under the Road Safety 2000 strategy had not been conducted.

16.7 It also remained that the recommendations made by STAYSAFE in the report of the first review (STAYSAFE 31, 1996) still had not been implemented. STAYSAFE acknowledged the commitments given by senior managers within the Roads and Traffic Authority regarding several of the recommendations for improvement, but felt constrained to continue to restate what are obviously 'best practices' in transparency, accessibility and accountability. STAYSAFE called for:

- The Roads and Traffic Authority to develop a capability in research documentation that can identify information regarding research projects and statistics involving road safety matters
- The Roads and Traffic Authority to develop and maintain an internet home page on road safety that publishes relevant information about this research and statistics
- The Roads and Traffic Authority publish an annual road safety situation report, not just basic surveillance statistics

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- The Roads and Traffic Authority hold an annual public seminar to publicise the results of research funded through public expenditure.

### **The Government's response**

The Government made no comment regarding the STAYSAFE 42 (1998) report.



## **RESPONSES TO STAYSAFE 43 (1998)**

*General comment - Responses to specific recommendations*

### **General comment**

17.1 The STAYSAFE 43 (1998) report was a discussion paper concerning the development of electronic drivers licences. The report discussed the emerging issue of electronic drivers licensing and its potential to underpin radical change in driver licensing practice, policy and administration in the near future.

17.2 The main functions of current driver licensing regimes are to support mobility, to promote safety performance and provide a mechanism to deter illegal and unsafe behaviours by drivers. This report identifies and discusses the possible ways in which 'smart card' technologies, applied as an electronic driver licence, may help to restructure driver licensing into the twenty first century.

17.3 The potential uses of electronic driver licensing with a driver management system would appear to centre around three broad aspects of driver behaviour: new driver training and assessment; business driver issues associated with fleet operations and driving 'as work'; and the management of problem drivers identified as 'at risk'. Electronic driver licensing could therefore:

- form part of a prescribed training regime for new drivers, for example, under competency-based training and assessment models;
- have an application in the business-related fleet management of employees and their vehicles, and the general issues associated with legal obligations for workplace safety (i.e., driver as 'workers', and vehicles as 'workplaces'); and
- assist in managing people who have been identified as problem or 'at risk' drivers.

17.4 As well, electronic driver licences could serve a repository function, allowing the maintenance of portable and up to date driver licence records, medical records, and identification records. As a particular example, electronic licences containing such data repositories would be a very compatible adjunct to on-board computers in police vehicles. This could allow for new forms of policing for the general driving population, including an ability to place a recorded caution for a minor offence directly onto the driver's electronic licence record. The potential impact of such

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approaches should not be underestimated. The Australian experience with speed and alcohol programs involving the mass invigilation of drivers during routine road trips is known to have had profound effects on illegal and inappropriate driving behaviour through affecting drivers' perceptions as to the probability that they will be caught if they commit a traffic offence.

17.5 Consideration of electronic driver licensing issues leads to the recognition that it is not just the 'smart card' licence itself that is important, but the devices that can be associated with the electronic driver licence. Not only could an electronic driver licence record information regarding authority to drive, it could also be prescriptive as to the type of vehicle a person is permitted to drive and, indeed, the specific vehicle to be driven. When combined with an electronic tachograph and a computerised vehicle management system, the smart card concept could extend to ensuring security of access to vehicles, the monitoring of driver and vehicle performance, interfacing with data recorders (crash reconstruction recorders and trip recorders), interactive connections to breath alcohol interlock devices, curfew restrictions on the time or distance a vehicle can be driven, or even to such prosaic actions as allowing a driver access to refuel the vehicle. The crash reduction capability that is potentially associated with an electronic driver licence has been estimated to be 20% in some studies.

17.6 It is critical to recognise that a fundamental role of driver licensing is the effective management of driving behaviour through the promotion of safe behaviour, and the deterrence of illegal and unsafe behaviours. Devices such as electronic driver licences are new tools that have the potential to markedly modify behaviour, but they are not the 'be-all-and-end-all'. The examination of the possibilities offered by electronic driver licencing requires a wider perspective and a 'package' approach combining social and technical elements. Consideration of electronic driver licensing must be taken in the context of the overall driver licensing regime, including the nature of each jurisdiction's traffic laws and policies, policing methods and technologies, and the history of social marketing and education about road use and road safety.

17.7 Australia is a very suitable environment in which to place a test jurisdiction for electronic licensing applications. In Australian jurisdictions there is widespread acceptance and community support for such established policing programs as random breath testing and speed camera enforcement, and licensing programs such as demerit points systems and photo licences. As well, newer programs are emerging, including competency-based training and assessment regimes for new drivers, and digital camera surveillance systems (e.g., the Roads and Traffic Authority's Safe-T-Cam system currently used for monitoring truck movements and enforcing speed and driving hours laws, but capable of assessing all vehicle movements within New South Wales). The Australian community is experienced with road safety countermeasures that might be regarded as invasive in some societies. Australian jurisdictions have the social, technical and environmental characteristics that would serve as a good social laboratory.

17.8 The ability of police, the courts and licensing authorities to respond effectively to the possibilities of electronic driver licensing is probably the strongest limitation to the adoption of these technologies. As well, the development of such electronic licence technologies must occur in the context of debate over the privacy implications, and include consideration of such issues as encryption of information, and the security of the issuing authority.

17.9 A version of this report was presented to the "Workshop on the Feasibility of Electronic Driver's Licenses and Improved Highway Safety", held at the Beckman Center, Irvine CA, United States of America, over the period 21-22 September 1998. This workshop was hosted by the United States National Highway Traffic Safety Administration and the Oak Ridge National Laboratory.

## **Responses to specific recommendations**

**RECOMMENDATION 1: The Roads and Traffic Authority should establish a capability to monitor and assess the research and development into electronic drivers licences, as part of its Intelligent Transport System program.**

### **The Government response**

The Roads and Traffic Authority replied that smart card technology is being monitored and is proposed to be investigated this financial year (1999-2000). A decision about whether it will be adopted will, of course, depend on cost benefit considerations.

**RECOMMENDATION 2: The Roads and Traffic Authority should consult with the New South Wales Privacy Committee, and other interested parties, concerning the possible applications of smart card technologies into driver licensing and other aspects of the use of the road transport system in New South Wales.**

### **The Government response**

The Roads and Traffic Authority replied that it will consult with the relevant stakeholders, including the Privacy Commissioner before adopting 'electronic driver licensing', including smart card technology. The Attorney General replied that he has been informed that the Privacy Committee does not appear to have been consulted by the Roads and Traffic Authority in relation to the issue of possible application of smart card technologies into driver licensing and other aspects of the road transport system. The Privacy Committee has now been replaced with the Office of the Privacy Commissioner, and no doubt the Commissioner would be pleased to offer assistance on this matter if so requested.

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**RECOMMENDATION 3:** The Roads and Traffic Authority seek to establish possible applications for electronic driver licensing and smart card technologies as part of an exploration of business road safety strategies and actions, including consultation with appropriate companies and organisations who operate vehicle fleets, and with associated parties such as motor vehicle underwriters and retail insurers.

**The Government response**

The Roads and Traffic Authority replied that it is taking steps to investigate electronic driver licensing, including smart card technology. Smart card technology is being monitored and is proposed to be investigated this financial year (1999-2000). The Roads and Traffic Authority will consult with the relevant stakeholders before adopting 'electronic driver licensing', including smart card technology. The Special Minister of State replied that the Motor Accidents Authority supports this recommendation.

**RECOMMENDATION 4:** The Roads and Traffic Authority should seek to establish a cooperative process involving the Commonwealth and other States and Territories for the coordination of research and development into the possible applications of smart card technologies into driver licensing and other aspects of the use of the road transport system in Australia.

**The Government response**

The Roads and Traffic Authority replied that this recommendation is under consideration. It appears that the National Road Transport Commission or AUSTROADS is the appropriate body to pursue this.

**Comment**

While STAYSAFE is generally satisfied with the response to this recommendation at this time, the Roads and Traffic Authority will be queried at a later time as to whether it has, first, made an appropriate representation to the National Road Transport Commission regarding smart card technology applications in driver licensing, or second, proposed a cooperative research and development approach through AUSTROADS.

**RECOMMENDATION 5:** The Roads and Traffic Authority should assess the desirability for New South Wales to become a test jurisdiction for electronic licensing technologies, possibly as part of a global approach involving Asia, Europe and North American driver licensing and traffic management agencies.

**The Government response**

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The Roads and Traffic Authority replied that this recommendation is under consideration. The decision will depend on the discussions foreshadowed in RECOMMENDATION 4, above.

**Comment**

STAYSAFE is generally satisfied with the response to this recommendation at this time. Given the interest in smart card technology applications in driver licensing that has already been expressed by the United States National Highway Traffic Safety Administration, it would be appropriate for the Roads and Traffic Authority to initiate contact with that agency.

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# 18

## RESPONSE TO STAYSAFE 44 (1998)

*General comment - The Government's response*

### General comment

18.1 The STAYSAFE 44 (1998) report published the proceedings of a conference that examined the development of safer motor vehicles for Australia, held 16-17 March 1998, in partnership with the Society of Automotive Engineering Australasia (SAEA).

18.2 The STAYSAFE 44 (1998) report continued a process of exploration of current road safety issues by STAYSAFE. During the 51st Parliament, STAYSAFE reported on four public seminars addressing issues of current concern:

- Sleep disorders and driver fatigue (STAYSAFE 28, 1995)
- Business driving (work-related driving) (STAYSAFE 36, 1997)
- Young drivers (STAYSAFE 39, 1997)
- Motor vehicle safety (STAYSAFE 44, 1998)

18.3 The conduct of public seminars is a method of obtaining relevant information that is additional to the more usual processes of formal inquiry by Parliamentary Committees. The Speaker of the Legislative Assembly, the Hon. John Murray MP, is a strong advocate for Parliament to be more accessible to the community. The conduct of public seminars is a successful means of enabling the community to experience and participate in the processes of Parliament. At the same time, the public seminar processes allows Members of Parliament to have access to current, up-to-date information from recognised experts in their fields.

18.4 The seminar on developing safer motor vehicles for Australia examined safety issues affecting new cars at point of manufacture as well as aftermarket purchases and vehicle modifications.

18.5 It is appropriate for legislators to take stock, and consider the role of motor vehicles in road safety. We live in the 'age of the automobile'. Our society is overwhelmingly dependent on motor vehicles. The motor vehicle is an essential part of our social lives, and the mobility and access it

allows for us has enormous cultural impact. Unfortunately, the motor vehicle is a major element of the injuries and deaths in our community, and especially of our young and our elderly.

18.6 After more than 100 years of the motor vehicle, it is timely to review the possibilities for further developments in vehicle-based safety measures to protect not only the occupants but also other road users.

18.7 This seminar was designed to gain information about the possibilities for improving safety through vehicle-based measures. STAYSAFE was particularly interested in reviewing what government and others are doing to improve consumer information about the safety of motor vehicles, as it is known that the public will buy safety (i.e., the public will preferentially buy motor vehicles fitted with recognised safety features, as shown by the demand in the Australian market of air bag technologies and anti-skid braking devices).

18.8 The development of Australian indices of ratings based on independent crash testing of new cars (through the New Car Assessment Program, or NCAP) and secondhand cars (through the Used Car Safety Rating index) is providing the consumer with specific product-based information.

18.9 When you buckle up your seat belt, this is probably the single most dramatic move you can make as an individual to reduce your health risks. But the seminar examined related and complimentary issues, including the question of limiting the speed of motor vehicles, the impact of traffic calming measures, and the development of intelligent road transport systems. Intelligent transport systems include electronic signage to warn or inform drivers, real-time information on traffic volumes and congestion, navigation systems, and collision avoidance systems. All have the potential to improve safety as well as access and mobility.

18.10 The seminar provided an opportunity for a general forum between road safety workers and motor vehicle industry representatives. There was a strong emphasis on what we can call *realisable safety*: what can we do better, with what we currently have available? But at the same time, the seminar provided a commentary on emerging ideas in vehicle safety that could serve to address the current stagnant road safety situation in Australia and re-establish the reductions in road trauma seen on Australian roads over the last two decades.

## **The Government's response**

The Government made no comment regarding the STAYSAFE 44 (1998) report.

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# 19

## RESPONSES TO STAYSAFE 45 (1998)

*General comment - Responses to specific recommendations*

### **General comment**

19.1 The STAYSAFE 45 (1998) report examined issues of injury prevention and infection control in the taking of blood samples from drivers suspected of alcohol or other drug impairment. The report examined the circumstances surrounding the efforts of New South Wales Government officials over the past two years to address the present danger of injury and infection associated with the taking of blood samples from drivers suspected of alcohol or other drug impairment.

19.2 The report documented inadequate management of the processes to address the very real danger of sharps injury and the potential exposure to blood-borne infection of medical and nursing staff who take of blood samples from drivers arrested by police on suspicion of alcohol or other drug impairment and drivers who are admitted to hospital after a road crash.

19.3 The report identified a particular failure of the Government officials involved to recognise that the issues of injury prevention and infection control associated with the taking of blood samples from drivers suspected of alcohol or other drug impairment are issues of workplace safety (i.e., are occupational health and safety matters) that expose health and hospital administrators, and the New South Wales Government itself, to potential liability.

19.4 The report proposed remedial steps to be taken to ensure that appropriate protocols are put in place so that medical and nursing staff are not exposed to the risk of injury and infection while taking blood samples.

19.5 The report proposed steps to be taken for appropriate research to be undertaken to provide an accepted scientific basis for legislative amendment to the Traffic Act 1909 concerning the taking of blood samples from drivers.

19.6 The report proposed an appropriate timetable for the conduct of scientific research and the development of protocols for the taking of blood samples from drivers so as to enable amending



legislation to be introduced in the first days of the 52nd Parliament.

19.7 Finally, the report proposed remedial action to be taken to ensure that Government officials within the chain of managerial responsibility who had been identified as culpable for the delays in addressing the dangers of injury and infection associated with the taking of blood samples from drivers suspected of alcohol or other drug impairment undertook such training as required to ensure that they had the skills and knowledge necessary to perform their duties effectively and efficiently.

19.8 STAYSAFE notes that in August 2000, the Government introduced the Road Transport (Safety and Traffic Management) Amendment (Blood Sampling) Bill, which is intended to allow for the use of appropriate and safe technologies to obtain blood samples from drivers suspected of alcohol or other drug impairment.

## **Responses to specific recommendations**

**RECOMMENDATION 1: The Department of Health, Roads and Traffic Authority and the New South Wales Police Service review current management practices to ensure that the particular circumstance of an inadequate management of the processes to address the very real danger of sharps injury and the potential exposure to blood-borne infection of medical and nursing staff who take of blood samples from drivers arrested by police on suspicion of alcohol or other drug impairment and drivers who are admitted to hospital after a road crash is not repeated with regard to other issues of immediate risk of injury or infection.**

### **The Government response**

The Roads and Traffic Authority replied that in June 1998 a Cabinet Minute was approved that endorsed legislative amendments to enable an alternative procedure for blood collection, to be prescribed by regulation, to be developed. A legislative amendment is being developed to improve the safety of blood collection by changing the system of blood sampling specified in the Traffic Act 1909 for determining the concentration of alcohol and concentration of a drug to a closed vacuum system. New South Wales Health advised that current management practices have been under review since June 1997 when, in response to a complaint from a health care worker who sustained a needlestick injury while collecting blood for alcohol testing, New South Wales Health advised the Roads and Traffic Authority that the blood alcohol sampling kit and the drug sampling kit in its present form was unsafe. Health care workers are placed at risk because of the need to recap the needle and to remove the needle to decant the specimen. This contravenes current best practice infection control and is inconsistent with New South Wales Health's infection control policy position which is designed to minimise the risk of health care worker occupational exposures to blood and body fluids through needlestick or splash injury. Safer technology is routinely used for general blood collection purposes in the form of closed vacuum blood systems. Discussions with the Roads and

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Traffic Authority have occurred since first advising them in 1997 and New South Wales Health has advised the Roads and Traffic Authority that consideration be given to replacing the needle and syringe currently in the kits with a closed vacuum blood collection system. The Roads and Traffic Authority assumed the role of coordinating the change to the kits in collaboration with New South Wales Health, the New South Wales Police Service, and the Division of Analytical Laboratories.

The role of New South Wales Health—represented by the AIDS/Infectious Diseases Unit and the Legal Branch—has been to provide technical infection control advice. Once the New South Wales Police Service is in a position to advise on the blood collection procedure which is acceptable to it (with regard to forensic evidence issues) New South Wales Health will also be responsible for conducting a tender for supply of sampling equipment. The New South Wales Police Service advised that this matter is being progressed by the Minister for Roads.

### **Comment**

The legislative amendment to allow the use of alternative blood sampling methods was not introduced until August 2000.

**RECOMMENDATION 2: The Department of Health, Roads and Traffic Authority and the New South Wales Police Service ensure that Departmental executives are cognizant of issues of workplace safety (i.e., occupational health and safety matters) involved in the taking of blood samples from suspect drivers.**

### **The Government response**

The Roads and Traffic Authority replied that an Interdepartmental Steering Committee, which includes representatives from the Roads and Traffic Authority, New South Wales Health and the New South Wales Police Service, has addressed issues of infection control in blood collection in the development of legislative amendments. New South Wales Health advised that the Chief Health Officer has been kept informed on progress with negotiations with the Roads and Traffic Authority and the New South Wales Police Service throughout the process. The New South Wales Police Service advised that it conducts mandatory lectures which address officer safety including the potential for needle stick injury in the work place.

**RECOMMENDATION 3: The Roads and Traffic Authority, in consultation with the Department of Health and the New South Wales Police Service, ensure that appropriate research is undertaken to provide an accepted scientific basis for legislative amendment to the Traffic Act 1909 concerning the taking of blood samples from drivers suspected of alcohol or other drug-impairment.**

### **The Government response**

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The Roads and Traffic Authority replied that research has been conducted by the Roads and Traffic Authority in the development of the legislative amendment, and is reflected in the amendment (see also the response to RECOMMENDATION 4, below). New South Wales Health advised that the issue of scientific research in relation to blood samples from drivers suspected of alcohol or other drug impairment is a matter involving the Roads and Traffic Authority and the New South Wales Police Service. During the process of negotiations, the Roads and Traffic Authority undertook to provide funds to the New South Wales Police Service to enable the commissioning of research to identify sampling equipment which did not diminish the reliability of forensic evidence. The New South Wales Police Service advised that the Roads and Traffic Authority has engaged the Royal North Shore Hospital, Sydney University, and the New South Wales Police Service Forensic Medical Unit to conduct further scientific analysis of the vacutainer system to ensure that the appropriate technology is used to support the intended legislative amendment.

**RECOMMENDATION 4: The Roads and Traffic Authority, Department of Health and the New South Wales Police Service, ensure an appropriate timetable is established for the conduct of scientific research and the development of protocols for the taking of blood samples from drivers so as to enable amending legislation to be introduced in the first days of the 52nd Parliament.**

#### **The Government response**

The Roads and Traffic Authority replied that the legislative amendment is currently being developed. New South Wales Health advised that the issue of scientific research in relation to blood samples from drivers suspected of alcohol or other drug impairment is a matter involving the Roads and Traffic Authority and the New South Wales Police Service. During the process of negotiations Roads and Traffic Authority undertook to provide funds to the New South Wales Police Service to enable the commissioning of research to identify sampling equipment which did not diminish the reliability of forensic evidence. New South Wales Health's role in the implementation of a new procedure for collecting blood for blood alcohol sampling is:

- to provide advice to the Roads and Traffic Authority and the New South Wales Police Service on available closed vacuum systems and associated blood collection tubes; and
- to liaise with the Roads and Traffic Authority and the New South Wales Police Service to determine any additional changes such as consequential changes to the way in which the blood samples (to be in glass rather than plastic vials) are sealed, labelled, transported and stored; and ensuring that the Division of Analytical Laboratories, which analyses the blood samples, is set up to handle the new vials.

Implementation of the changes is unable to proceed until consensus is reached on the proposed blood collection system.

The implementation timetable is dependent on:

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*Development and progress of legislation:* The proposed change to the kits would require amendment of the Traffic Act 1909 to remove the requirement to split the specimen into two collection tubes. The Roads and Traffic Authority has advised New South Wales Health that a draft Bill to amend the Traffic Act 1909 has been prepared for presentation at the Parliamentary session in April 1999. The proposed procedure consists of only a single sample of blood to be collected by hospitals and that the sample to be analysed by the Division of Analytical Laboratories. Under this new procedure, blood samples for drink drivers would be available only on request from the Division of Analytical Laboratories.

*Development of kit specifications:* At a meeting in December 1997, the AIDS/Infectious Diseases Unit provided to the Roads and Traffic Authority and the New South Wales Police Service closed vacuum systems and associated blood collection tubes. It was agreed at this meeting that:

- the Roads and Traffic Authority would develop the new certificate and wording for the packaging of the kit in collaboration with New South Wales Health and the New South Wales Police Service;
- Clinical Forensic Medicine, New South Wales Police Service would conduct testing of the blood collection tubes to assess the extent to which the reliability of forensic evidence (ie the blood samples) would be affected by the kit change;
- the Roads and Traffic Authority would fund the New South Wales Police Service to undertake the above mentioned research; and
- New South Wales Health would liaise with Clinical Forensic Medicine, New South Wales Police Service and the Division of Analytical Laboratories on the specifications for the blood collection tubes used in closed vacuum blood collection systems once the research was complete.

In late 1998 the AIDS/Infectious Diseases Unit was advised by Clinical Forensic Medicine, New South Wales Police Service that it was not in a position to specify the requirements for kit contents pending finalisation of testing of the blood collection tubes used in closed vacuum blood systems. The AIDS/Infectious Diseases Unit was informed that the Roads and Traffic Authority had commissioned research by an independent body without reference to Clinical Forensic Medicine, New South Wales Police Service and that the research criteria did not meet the specifications of Clinical Forensic Medicine, New South Wales Police Service. The Roads and Traffic Authority in November 1998 advised that Clinical Forensic Medicine, New South Wales Police Service would be coordinating a research study. The New South Wales Police Service had indicated that a 6 month time-frame is required. The Roads and Traffic Authority will provide advice to New South Wales Health on the outcome of the research. To date no advice on the outcome of this research has been received by New South Wales Health.

*Tender process:* Currently the blood alcohol sampling and drug testing kits are exempt from being required to be under tender. The proposed changes mean that a tender process may be required for supply of blood alcohol and drug testing kits. It is however important to note that it is not possible

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to prepare tender specifications because the New South Wales Police Service is not able to advise of its requirements for blood collection tubes.

The New South Wales Police Service advised that the Roads and Traffic Authority is administering the co-ordination of the above mentioned scientific research.

**RECOMMENDATION 5: The Department of Health, in consultation with the New South Wales Police Service, ensure that existing policies and protocols are reviewed, and revised where appropriate, to ensure that medical and nursing staff are not exposed to the risk of injury and infection while taking blood samples from drivers suspected of alcohol or other drug-impairment.**

**The Government response**

New South Wales Health advised that policies and protocols will be reviewed once details of the kit have been finalised (see also New South Wales Health's comments regarding RECOMMENDATION 4, above). In the interim, there are already provisions in the Infection Control Policy (Circular 95/13) and the Infection Control Standards incorporated in the professional registration acts of selected health care workers which proscribe both recapping needles by hand and removal of needles by hand from disposable syringes. The New South Wales Police Service advised that this matter is being progressed by the Minister for Roads.

**RECOMMENDATION 6: The Roads and Traffic Authority, Department of Health and the New South Wales Police Service, take remedial training action to ensure that those Government officials within the chain of managerial responsibility who have been identified as culpable for the delays in addressing the dangers of injury and infection associated with the taking of blood samples from drivers suspected of alcohol or other drug impairment have the skills and knowledge necessary to perform their duties effectively and efficiently.**

**The Government response**

The Roads and Traffic Authority replied that the legislative amendment for blood collection will be supported by information and training as appropriate to ensure staff are updated on blood sample collection methods. The New South Wales Police Service advised that this matter is being progressed by the Minister for Roads. New South Wales Health advised that to date it has provided advice and undertaken all tasks delegated to it in a timely manner.

**Comment**

STAYSAFE is not satisfied with the response to this recommendation at this time. There remains a need to ensure that the management problems identified are addressed through remedial training.

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STAYSAFE notes that the general finding of mismanagement of the process of introducing a safer means of collecting blood samples from impaired drivers has not been challenged by the agencies involved.

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# 20

## RESPONSES TO STAYSAFE 46 (1998)

*General comment - Responses to specific recommendations*

### General comment

20.1 The STAYSAFE 46 (1998) report examined legal and licensing implications of driver fatigue. The sudden and unexpected onset of sleep, a blackout or other occurrence of unconsciousness when driving is a defence to criminal prosecutions for driving offences. STAYSAFE examined the nature and consequences of such a sudden lapse into a state of unconsciousness during driving, both in terms of legal proceedings and driver licence management. Put simply, STAYSAFE posed the question: "Falling asleep at the wheel—what are the implications for driver licensing policy and practice?"

20.2 STAYSAFE's investigation of this issue centred around a round table examination of witnesses representing the Attorney General's portfolio, the Police portfolio and the Roads portfolio as a device to establish the issues associated with drivers who fall asleep at the wheel.

20.3 Recommendations were made for further research into the legal issues associated with *Jiminez*-type cases (see *R -v- Jiminez* (1992) 106 ALR 162), as well as recommendations for further research and development in the area of driver licensing policy and practice for drivers who seek to establish, successfully or otherwise, a *Jiminez*-type defence to prosecutions for dangerous driving or other traffic offences.

### Responses to specific recommendations

**RECOMMENDATION 1: The Road and Traffic Authority, in consultation with the Attorney General's Department, conduct further scientific and legal research into the question of whether drivers are aware of sleepiness prior to falling asleep at the wheel, and if justified, seek to become a party to a test case of a prosecution for dangerous driving causing death or serious injury where the driver states that he or she fell asleep unexpectedly and without warning that might challenge the prosecutorial requirements of a *Jiminez*-type case.**

**The Government response**

The Roads and Traffic Authority replied that it continues to monitor scientific and legal research into driver fatigue and to monitor the response of the judiciary to offences involving driver fatigue.

The Attorney General replied that the issue of driver awareness is one that would seem most appropriate for the Roads and Traffic Authority. The conduct of prosecutions is a matter for the Director of Public Prosecutions.

**Comment**

STAYSAFE notes that the Attorney General's response appears to have been written from the perspective of the Attorney General's Department. In fact, STAYSAFE requested a response from the perspective of the Attorney General's portfolio responsibilities, which include not only the Attorney General's Department but also the Office of the Director of Public Prosecutions.

**RECOMMENDATION 2: The Attorney General review the cases since the High Court judgment in R -v- Jiminez (1992) 106 ALR 162 where a driver is charged with dangerous driving offences arising out of a road crash to determine if claims of 'suddenly, without warning, falling asleep at the wheel' are yielding a relatively high rate of dismissal of dangerous driving charges.**

**The Government response**

The Attorney General replied that in relation to the proposals for further detailed research, the Criminal Law Review Division of the Attorney General's administration continues to generally monitor the results of trials and criminal appeals. The implications of court decisions which appear to raise public policy concerns are closely monitored and considered. The implications of the Jiminez decision have been considered and cases since the decision have not indicated the need for further reform. The Attorney General indicated that he was not persuaded that extensive research of the type suggested in the recommendations arising from the judgement in R -v- Jiminez is required or would be the most efficient use of the limited resources of the Division.

**Comment**

STAYSAFE is not satisfied with the response of the Attorney General to this recommendation. In the STAYSAFE 46 (1998) report, several cases were identified and discussed where a *Jiminez*-type defence had been tendered successfully against prosecutions for dangerous driving offences. There is no system for collection of data regarding the defences offered in criminal cases where an offender has been convicted, or for criminal cases where an alleged offender has been acquitted or where a case against an alleged offender has been dismissed or 'no billed'. STAYSAFE continues to be concerned that *Jiminez*-type defences may not be uncommon in cases involving prosecutions for

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dangerous driving, and that a claim of ‘suddenly, without warning, falling asleep at the wheel’ may be yielding a relatively high rate of dismissal of dangerous driving charges. STAYSAFE is also concerned that the defence of automatism offered against prosecutions of alleged criminal behaviour during driving—which forms the foundation of *Jiminez*-type cases—may be emerging in other contexts than falling asleep. For example, a newspaper account of a recent case reported:

“A woman whose car collided with two cyclists, killing one, claimed she had been coughing so violently before the accident she was not conscious, a court heard yesterday. Choy Lain Choo, 44, has pleaded not guilty in the District Court in Sydney to dangerous driving causing the death of Mrs Kim Wilson, 28, and the grievous bodily harm of Mr Allan Wright, 49. Choo was driving her Honda CRV in Castle Hill Road at Cherrybrook in Sydney’s northwest when it collided with Mrs Wilson and Mr Wright about 6:20 am on October 18 last year....

In a police interview Choo allegedly said: ‘All of a sudden I have this bad cough. I try to cough, cough, cough up the phlegm. But I don’t know. The next minute ... I knocked somebody. I don’t know how I do it. It just happened.’

[Crown Prosecutor] Mrs Cunneen said Choo had driven dangerously by crossing to the wrong side of the road, initially failing to notice the cyclists and not taking evasive action when she did see them. The case would depend on her consciousness at the time.

Mr Chester Porter QC, for Choo, said the evidence would be that at the time of the accident ‘without warning, she was unconscious.

‘It’s a tragedy which she regrets, but there was nothing that she could do,’ he said. ‘It was completely beyond her control.’” (Gibbs, S. (1999). Coughing fit ‘led to crash’. Sydney Morning Herald, Thursday 2 December 1999, p.8)

A jury found Ms Choo not guilty of an offence. While the case of *R -v- Choo* turned on the facts tendered to the court and (presumably) expert testimony regarding respiratory function, coughing, voluntary behaviour, and consciousness, it seems likely that the attempt to extend automatism to include instances of severe coughing while driving will not go unnoticed within the legal community. In future, drivers or their counsel may offer not only falling asleep without awareness as a defence, but also defences based on coughing, sneezing, or perhaps reflexive alarm reactions on the unexpected entrance of insects or spiders through vehicle windows or their appearance on the dashboard or on inside windscreen surfaces—in short, a range of accounts of events which may seem to justify a conclusion of involuntary conduct by a person that is sufficient to negate the voluntary conscious driving of a vehicle.

**RECOMMENDATION 3: The Attorney General examine if there have been criminal prosecutions in other transportation modes (rail, marine, air) or other safety-critical areas such as industrial and manufacturing industries or resources extraction, involving similar**

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principles to those discussed in the High Court judgment in R -v- Jiminez (1992) 106 ALR 162, and if so, with what outcomes.

**The Government response**

The Attorney General replied that in relation to the proposals for further detailed research, the Criminal Law Review Division of the Attorney General's administration continues to generally monitor the results of trials and criminal appeals. The implications of court decisions which appear to raise public policy concerns are closely monitored and considered. The implications of the Jiminez decision have been considered and cases since the decision have not indicated the need for further reform. The Attorney General indicated that he was not persuaded that extensive research of the type suggested in the recommendations arising from the judgement in R -v- Jiminez is required or would be the most efficient use of the limited resources of the Division.

**RECOMMENDATION 4: The Attorney General review the civil proceedings since the High Court judgment in R -v- Jiminez (1992) 106 ALR 162 arising from road crashes where a driver is found to have fallen asleep at the wheel.**

**The Government response**

The Attorney General replied that in relation to the proposals for further detailed research, the Criminal Law Review Division of the Attorney General's administration continues to generally monitor the results of trials and criminal appeals. The implications of court decisions which appear to raise public policy concerns are closely monitored and considered. The implications of the Jiminez decision have been considered and cases since the decision have not indicated the need for further reform. The Attorney General indicated that he was not persuaded that extensive research of the type suggested in the recommendations arising from the judgement in R -v- Jiminez is required or would be the most efficient use of the limited resources of the Division.

**Comment**

The Attorney General's response appears based on a misreading of the recommendation. The recommendation called for a review of civil proceedings—not criminal proceedings—arising out of incidents involving a road crash where a driver is found to have fallen asleep at the wheel. It would not, so it would seem, be a function of the Criminal Law Review Division of the Attorney General's administration to review civil cases. STAYSAFE reiterates its view that such a review is required.

**RECOMMENDATION 5: The Roads and Traffic Authority adopt and promulgate a policy that mandates the automatic suspension, pending further investigation, of a person's driving licence in circumstances where it is indicated that that person unexpectedly and without warning fell asleep while driving.**

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**The Government response**

The Road and Traffic Authority replied that it receives reports from the New South Wales Police Service in relation to accidents where a driver has suffered a blackout, syncope attack or some other form of loss of consciousness. The matter is referred to the Road and Traffic Authority's medical consultancy, HealthQuest, for consideration of our proposed action, which is to take immediate licence suspension. If it is revealed that a licence holder has sleep apnoea, then the Road and Traffic Authority requires that person to provide medical evidence that they are fit to drive prior to the issue of a licence.

**Comment**

STAYSAFE is not satisfied with the response to this recommendation. The recommendation called for the Roads and Traffic Authority to adopt a policy requiring the automatic suspension of a person's driving licence in circumstances where it is indicated that that person unexpectedly and without warning fell asleep while driving. The Roads and Traffic Authority's response refers to current practices and does not deal with the issue that is the subject of the recommendation.

**RECOMMENDATION 6: The Roads and Traffic Authority require a specialist medical evaluation before a person who has offered in explanation of a crash that they unexpectedly and without warning fell asleep while driving can be considered for regaining their drivers licence.**

**The Government response**

The Road and Traffic Authority replied that this recommendation would be followed prior to a licence holder regaining their licence. New South Wales Health replied that a response to this recommendation is pending, and will be provided as soon as possible.

**Comment**

A response to this recommendation from New South Wales Health has not yet been received by STAYSAFE.

**RECOMMENDATION 7: The Roads and Traffic Authority review its policies and programs targeting driver fatigue in the context of Job and Dalziel's (1998) critique, with a particular focus on distinguishing driver fatigue from other related phenomena, such as changes in motivation, habituation, adaptation (or 'anchoring'), and boredom.**

**The Government response**

The Road and Traffic Authority replied that a key strategy of the driver fatigue program has been to educate drivers on the dangers and prevalence of driver fatigue. This has targeted loss of

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concentration to ensure that drivers do not view fatigue simply as falling asleep at the wheel. The Road and Traffic Authority has reviewed the key messages of its driver fatigue public education programs. The 'More than 2 hours gets deadly boring' campaign highlights boredom and loss of concentration and provides a specific timeframe for rest breaks. Driver fatigue brochures and other printed material includes information on the signs of fatigue and promote safe driving messages.

### **Comment**

STAYSAFE is not satisfied with the response to this recommendation. The recommendation called for the Roads and Traffic Authority to reassess the basis of its driver fatigue program in light of a major critique by Job and Dalziel (1998). It is unclear from the Roads and Traffic Authority's response if Job and Dalziel's review has in fact been examined. Job and Dalziel's review concluded that the current driver fatigue programs used by road safety authorities in Australia confuse a number of distinct psychological processes. A misunderstanding of these psychological processes means that current programs and campaigns could be missing the mark, and that possible effective interventions are not identified. The Roads and Traffic Authority's response refers to current practices and does not deal with the issue that is the subject of the recommendation.

**RECOMMENDATION 8: The Roads and Traffic Authority revise the definition of a driver fatigue-related crash to include a provision that the point of impact or the point of error must have been visible to the driver for 7-10 seconds before the crash.**

### **The Government response**

The Road and Traffic Authority replied that its definition of a fatigue related crash acknowledges that accident information, including the factors involved in the crash, is recorded by the police who attend the crash scene. The degree of detail contained in Recommendation 8 is normally not available to police.

### **Comment**

The Roads and Traffic Authority's response to this recommendation is unsatisfactory. The response does not address the issue that is the subject of the recommendation. In fact, the relevant text in the STAYSAFE 46 (1998) report offers a far more detailed description and discussion of the Roads and Traffic Authority's definition of a fatigue-related crash (see pp.83-85). The Roads and Traffic Authority's remark that:

"The degree of detail contained in Recommendation 8 is normally not available to police."

is surprising to STAYSAFE. Police attending the scene of a road crash record a variety of information, including location of the vehicles on, or otherwise in relation to, the roadway.

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**RECOMMENDATION 9: The Roads and Traffic Authority continue studies of the occurrence of road crashes, including, where possible, near misses and other risky road behaviours, that involve driver fatigue and reduced road user alertness and sleep.**

**The Government's response**

The Road and Traffic Authority replied that it continues to research the driver fatigue problem, and has extensively utilised the experience of drivers who have had fatigue related crashes or near misses in the planning and development of public education and school education programs.

**RECOMMENDATION 10: The Roads and Traffic Authority continue its collaboration with the National Road Transport Commission and other agencies, as appropriate, to support research into the development of appropriate countermeasures against driver fatigue, including:**

- (a) systems of work;
- (b) technologies for motor vehicles;
- (c) technologies for roads and the road environment;

**both for the heavy vehicle sector and for other road users.**

**The Government's response**

The Road and Traffic Authority replied that it has ongoing formal and informal collaboration with the National Road Transport Commission and other agencies, as appropriate, on a range of issues, including those relating to driver fatigue. The Road and Traffic Authority and the National Road Transport Commission are working together to develop specifications and operating arrangements for driver specific monitoring devices (DSMDs).

**RECOMMENDATION 11: The New South Wales Police Service should:**

- (a) **urgently review the existing skills and knowledge base of crash investigators;**
- (b) **determine the training needs of these crash investigators; and**
- (c) **ensure that appropriate training for crash investigators is made available on a timely and on-going schedule.**

**The Government response**

The New South Wales Police Service advised that action has been taken by the School of Traffic and Mobile Policing to address the issues raised in this recommendation. The first Level 2 course was delivered to 11 participants from the 11 Police Regions between the 4-11 June, 1999. It is envisaged that enrolments for Level 3 will be offered in December, 1999, with enrolments for Level 4 expected in 2000.

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# 21

## RESPONSE TO STAYSAFE 47 (1998)

*General comment - The Government's response*

### General comment

21.1 The STAYSAFE 47 (1998) report contained the record of examination of matters conducted under the Committee's resolution to review road safety activities in New South Wales on an annual basis. The oversight of actions undertaken to reduce road trauma is a central aspect of STAYSAFE's terms of reference to monitor, investigate and report on the road safety situation. STAYSAFE had conducted four annual reviews of the road safety situation in New South Wales, covering the years 1994, 1995, 1996, and 1997. These reviews have been reported in STAYSAFE 31 (1996), STAYSAFE 41 (1998), STAYSAFE 42 (1998), and STAYSAFE 47 (1998).

21.2 In 1997, there were some 50,120 recorded traffic crashes in New South Wales, which resulted in 576 persons being killed. The annual statistic indicates that efforts to reduce road trauma in New South Wales are neither strikingly successful nor are they failing. The level of road trauma in New South Wales remains more-or-less constant when compared to the immediately preceding years throughout the mid-1990s. Each year since 1993, about 50-52,000 road crashes are recorded in official statistics resulting in, on average, 600 deaths and more than 6,000 serious casualties. However, the Roads and Traffic Authority's rhetoric continues to indicate success, as recorded in the statement of a senior executive during the public hearing into the 1997 road safety situation:

"The number of persons killed during 1997 was down by 5, or 1%, on the 1996 total and that was the lowest annual fatality total since 1949. I think that the institutions and the communities of New South Wales should be proud of that result in 1997."

21.3 STAYSAFE was not so pleased with the 1997 road trauma outcomes. Over the period 1993-1997, an average of 600 people died each year just because they wished to use the New South Wales road transport system. The road trauma situation in New South Wales has effectively been stagnant since 1993.

21.4 In STAYSAFE's view, there was a need to 'wake up and shake up' the road safety administration in New South Wales in order to get better policy and program development and to

challenge a complacency among road safety administrators. This has occurred, with a major restructuring of the Roads and Traffic Authority's road safety, traffic management, driver licensing, and vehicle regulation functions in February 2000. New senior executives have since been appointed, bringing a fresh approach to the problems involved in dealing with road trauma effectively.

21.5 STAYSAFE was particularly surprised at the admission by senior Government road safety officials that they were likely to fail to achieve the Premier's year 2000 road safety targets. In 1995, the Premier committed his Government to achieving road trauma targets of fewer than 500 deaths and fewer than 5,500 serious injuries by the year 2000. The Minister for Roads has endorsed these targets as part of the Road Safety 2000 strategy. Further, the Roads and Traffic Authority's own strategic planning documents continue to propose the targets established by the Premier and the Minister for Roads. It is both extraordinary and disturbing that Roads and Traffic Authority senior road safety executives have now apparently accepted that these targets will not be reached, and do not seem to perceive a political or even an ethical imperative that they should reach and better the Premier's targets.

21.6 STAYSAFE continued to state its major criticism of the Roads and Traffic Authority for the failure to ensure that road safety activities in New South Wales are transparent, that the results of these activities are accessible, and that there is improved accountability for the decisions taken by road safety administrators. STAYSAFE indicated that the ongoing refusal by the Roads and Traffic Authority to implement the basic management accountability and public information recommendations made in reports of previous reviews of road safety activities remains a situation that merited independent investigation by the Minister for Roads.

21.7 Over the course of the 51st Parliament (1995-99), millions of tax-payer dollars will have been spent on road safety research and evaluation in New South Wales. STAYSAFE indicated that it had been unable to conclude that this expenditure has been justifiable, and that the results of the research and evaluation evidence an appropriate standard to allow the development of new policies and programs, and the modification and enhancement of existing policies and programs. STAYSAFE concluded that this situation should not continue.

### **The Government's response**

The Government did not comment on the findings of the STAYSAFE 47 (1998) report. No recommendations were made by STAYSAFE.

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# 22

## RESPONSES TO STAYSAFE 48 (1998)

*General comment - Responses to specific recommendations*

### General comment

22.1 The STAYSAFE 48 (1998) report continued the inquiry into pedestrian safety, focussing specifically on child pedestrian safety In New South Wales. STAYSAFE noted that the road safety situation in New South Wales had improved during the 1990's, but there was a need to continue the search for more effective policies, more effective programs and more effective legislation to control bad behaviour on our roads and to promote good behaviour.

22.2 Pedestrian safety, particularly the safety of children during travel to and from schools, had been a low profile area of road safety until the mid-1990's. Research to date clearly indicates that the bulk of accidents involving children occur in places other than established crossings and are characterised by children "darting out" from footpaths, often from behind parked cars, into oncoming traffic.

22.3 The successful promotion of child pedestrian safety is extremely complex matter. STAYSAFE examined the available literature and investigated current practices, and concludes that no one clear answer or direction can be postulated in the quest to protect children from danger on the roads. What is required is a concerted and coordinated approach to both the training and awareness of drivers and the education of children in the correct use of the roads. Like most issues of child safety, the protection of children on our roads is a collective responsibility. It involves parents and carers, educators, policy makers, media commentators, and most crucially vehicle drivers, in the diligent attention to teaching children pedestrian skills, leading behavior by good example, and by exercising care behind the wheel.

22.4 STAYSAFE's investigations demonstrate that the structures and knowledge required to educate our children as pedestrians already exists, but it is not sufficient. Very young children will not always behave in a predictable manner, despite the best education, and there are a myriad of factors ranging from cognitive development and the ease with which children can be distracted, to peer pressure and their desire to do what is "cool" will affect their response to their pedestrian environment. As well, many drivers do not heed road rules and act inappropriately to physical



deterrents designed to slow vehicles near areas such as schools and playgrounds. Further, and more disturbing, research shows that many drivers still harbour the belief that “it won’t happen to me” or simply do not acknowledge the possibility that a child pedestrian may act in an unpredictable or imprudent manner, and adjust their driving style accordingly.

22.5 STAYSAFE argued that these factors must be acknowledged, and that the most sensible response to this reality should be likewise twofold, namely refinement and reiteration. The techniques employed in the education and training of both children and adults must be constantly examined and refined, and constantly reiterated to all parties, in order to be as successful as possible. This must be a community effort involving the coordination of legislators, educators, parents, academics and drivers, and as such, can only be enforced by the will of all those affected make it succeed.

22.6 In mid-2000, STAYSAFE announced a further inquiry into children and road safety, examining the effectiveness of traffic control facilities in the vicinity of schools. The issues raised in the STAYSAFE 48 (1998) and STAYSaFE 26 (1994) reports concerning child pedestrian safety will be reviewed in this new inquiry.

## **Responses to specific recommendations**

**RECOMMENDATION 1: The Roads and Traffic Authority and other agencies with a responsibility in the area of child pedestrian trauma should review their archives and active files for the previous 10-15 years to determine if there are further documents and research reports addressing issues of child pedestrian trauma that should be publicly released.**

### **The Government response**

The Roads and Traffic Authority replied that the issue of child pedestrian trauma is continually addressed by the Roads and Traffic Authority in consultation and collaboration with other key agencies such as Kidsafe and the Department of Health. Any research conducted in relation to the issue of child pedestrian trauma has been disseminated throughout key agencies and copies of the research made available to these agencies’ respective libraries. The Roads and Traffic Authority’s library continues to categorise and inform relevant branches within the Roads and Traffic Authority of new articles/research available on child pedestrian trauma. New South Wales Health replied that it will undertake this review during 1999/2000.

**RECOMMENDATION 2: The Roads and Traffic Authority monitor the appeal process in the case of Scrase -v- Jarvis & Others (1998) Australian Torts Reporter 81-471, and assess the effect of the judgement in Scrase on legal liabilities associated with child pedestrian behaviour,**

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**particularly in terms of safe travel to and from school.**

**The Government response**

The Roads and Traffic Authority replied that the case of Scrase-v- Jarvis & Others (1998) has reinforced the importance of ensuring the safety of children, particularly travelling to and from school. The Safer Routes to School Program has as its major focus the improved safe travel of children, particularly as pedestrians. The involvement of parents emphasises their responsibility and duty of care to ensure that children are well supervised in traffic situations. Bus companies have been provided with resources to assist them in working with schools and students to ensure that students understand and demonstrate bus safety when travelling in and around buses. The 40km/h bus initiative was piloted in the Newcastle/Lake Macquarie area in preparation for a Statewide initiative to ensure that all traffic travelling in the same direction as school buses, transporting students during school travel time, will slow to 40 km/h when passing the bus. The idea is to alert drivers as to the possible presence of children, thus allowing drivers to stop if necessary.

**RECOMMENDATION 3: The Roads and Traffic Authority develop a program of public education and awareness to ensure that motorists are aware of their legal responsibilities to pedestrians, particularly child pedestrians.**

**The Government response**

The Roads and Traffic Authority replied that the 1998 pedestrian safety public education campaign reminded drivers to be aware of pedestrians, particularly in built up areas, around sporting events, drinking establishments and around schools both before and after school. The campaign also reminded pedestrians of their responsibility to cross roads safely.

**RECOMMENDATION 4: The Roads and Traffic Authority ensure that there are appropriate educational materials to assist parents in teaching their children about road safety, and in particular, materials that address child pedestrian safety issues in situations commonly experienced by children (travel to and from school, pedestrian movements associated with buses and other public transport, pedestrian safety in local streets, and pedestrian safety in shopping precincts).**

**The Government response**

The Roads and Traffic Authority replied that it has produced a number of materials to assist parents in teaching children about pedestrian safety. These include *Kids and Traffic Community Outreach Kit* and the *Our Children Our Responsibility* family booklet, *Safety Door Activity Note*, *Hold Our Hands Poster* and the *Hold My Hand Parent Jigsaw Activity Note* and the *Safer Routes To School Safe Parking Kit*. *The Safest Way* is a video aimed at parents, emphasising safe behaviours in and around buses. The *School Bus Safety* brochure is for parents in English and sixteen community

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languages. It tells how they can help with safety in and around buses. *Safe School Travel* pamphlets provide practical pointers for parents of children entering kindergarten. *School Zone What does this sign really mean* is a pamphlet explaining school speed zones and the *Community Parking Kit* for local council road safety officers. Another means of communicating directly to parents is through media campaigns such as the Back To School Campaign which in 1998 focused on *Hold Me Close* and *Right Side of the Road*. At the same time many of the above resources were offered to parents and parent groups through the schools and other community networks. The *Street Sense* educational materials for primary schools address child pedestrian, passenger and cycling safety. *Kids and Traffic Resources* are provided to early childhood services (preschools and childcare centres) and address passenger, pedestrian and safe play issues for young children. All encourage the active participation of parents and carers.

**RECOMMENDATION 5: The Roads and Traffic Authority, in consultation with other agencies and jurisdictions as appropriate, undertake a major workshop focussed exclusively on child pedestrian safety, and, as part of this workshop, examine the various educational initiatives to address child pedestrian trauma as part of the development of a road safety strategy for the 2001-2010 period.**

**The Government response**

The Roads and Traffic Authority replied that no major workshop has been conducted in this last year on child pedestrian safety. However, a close and ongoing partnership exists between the education sectors, the Department of Health, the Motor Accidents Authority and the NRMA. These stakeholders meet on a regular basis to ensure joint consideration of issues pertaining to pedestrian safety, including resource development, curriculum content and program considerations. The annual Road Safety Education conference was held in 1998, involving all of the above stakeholders. Child pedestrian safety was a component of that conference. All strategic plans developed by the Roads and Traffic Authority and these stakeholders have child pedestrian safety as an integral part.

**RECOMMENDATION 6: The Roads and Traffic review its policy regarding the use of 'Blinky Bill' or cockatoo-type pedestrian facilities using pedestrian-activated flashing amber lights, particularly in the vicinity of schools and in situations where a school operates with split sites.**

**The Government response**

The Roads and Traffic Authority replied that it has current guidelines for the use of flashing amber lights, in its *School Zones Manual*. Flashing amber lights are reserved for use at sites with adverse road geometry, high vehicle speeds and high traffic volumes. Their over-utilisation reduces their overall impact and effectiveness. Similarly, the use of flashing amber lights accompanying marked foot crossings are reserved for use at sites with adverse conditions. Full-time automated flashing

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amber lights are preferred over pedestrian activated lights.

**RECOMMENDATION 7: The Roads and Traffic Authority:**

- (a) **review the school pedestrian bridge program to ensure that appropriate locations for these pedestrian bridges are identified;**
- (b) **and ensure that advertising on the pedestrian bridges does not become overwhelming, thereby contributing to traffic and environmental problems.**

**The Government response**

The Roads and Traffic Authority replied that it continually monitors and reviews its School pedestrian bridge program. The Roads and Traffic Authority determines appropriate bridge locations based on a number of criteria which include: crash data; traffic volume; traffic speed; road environment; adjacent land use; and road geometry. The school pedestrian bridge program is determined by the Roads and Traffic Authority in consultation with the Department of Education, local communities and local councils. Private industry organisations are not involved in the identification of potential pedestrian bridge locations. The Roads and Traffic Authority is currently investigating the feasibility of low impact advertising methods to continue to attract private industry funds for the construction of pedestrian bridges. The Urban Design Advisory Service from the Department of Urban Affairs and Planning is developing urban design guidelines for the location and design of bridges. These guidelines will facilitate a high standard in urban design of future pedestrian bridges, including the location and type of advertising used on the structures. Currently, Roads and Traffic Authority draft guidelines for roadside advertising also apply to advertising on overbridges. They control location and design of advertising to ensure that road safety is not adversely affected.

**RECOMMENDATION 8: The Roads and Traffic Authority review its criteria for the installation of pedestrian facilities to:**

- (a) **include the identification and description of new types of pedestrian facilities;**
- (b) **identify the types of facilities appropriate for different road users (i.e., children, the elderly, etc.).**

**The Government response**

The Roads and Traffic Authority replied that it will review its criteria for the installation of pedestrian facilities when it develops the *Pedestrian Facilities* component of the Traffic Engineering manual, which is proposed for within the next two years. It will include new types of pedestrian facilities and details on the type of facilities appropriate for different road users.

**RECOMMENDATION 9: The Roads and Traffic Authority ensure that the different types**

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**of pedestrian crossing facilities and their uses are included as part of road safety educational programs and in publicity associated with safe driving and safe road use.**

**The Government response**

The Roads and Traffic Authority replied that the correct use of traffic facilities such as pedestrian refuges and flashing walk clearances at traffic signals have been the subject of public education campaigns under the theme of 'The Road is there to Share'. Additionally, the Roads and Traffic Authority is currently working on an educational game and video, specifically aimed at children, regarding pedestrian facilities and how best to use them. The matters raised here will be further addressed within the pedestrian safety problem definition and countermeasure summary.

**RECOMMENDATION 10: The Roads and Traffic Authority undertake research to determine the understanding of New South Wales motorists of the requirements of pedestrian crossings, particularly children's crossings.**

**The Government response**

The Roads and Traffic Authority replied that during 1999, it (through its biannual community attitudes survey) specifically asked various road users about their obligations at children's crossings. The results of the survey highlighted the need to increase road users' awareness of the benefits of children's crossings, their obligations at these devices. The Roads and Traffic Authority is currently developing an educational resource kit to highlight the benefits and obligations of road users at children's crossings. The kit, which is designed to be used at a local level, will include standard advertising and educational resource material, which can be disseminated through various media. The kit will be finalised by January 2000.

**RECOMMENDATION 11: The Roads and Traffic Authority:**

- (a) review existing research knowledge concerning the effect of signage and road markings in both providing advance warning of pedestrian facilities and in delineating the facilities; and**
- (b) undertake such research as is required to better understand the effect of signage and road markings in both providing advance warning of pedestrian facilities and in delineating the facilities.**

**The Government response**

The Roads and Traffic Authority replied that a review of existing research has not commenced. The Roads and Traffic Authority will review existing research during the next three years.

**RECOMMENDATION 12: The Roads and Traffic Authority ensure that the management of**

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**the implementation of the Safer Routes to School program should include an evaluation timetable that will allow for some of the critical issues associated with the program to be examined in a timely manner.**

**The Government response**

The Roads and Traffic Authority replied that the safer routes to school program has been developed with an inbuilt monitoring process to ensure that the program proceeds in a timely way and that expected outcomes are met. These monitoring processes include random audits of the database, regular reviews of school committee meetings, and review and update of the safer routes to school website. The evaluation of ten fast-tracked schools in New South Wales was completed and the recommendations from this evaluation incorporated in to the 1998 safer routes to school program.

**RECOMMENDATION 13: The Roads and Traffic Authority ensure that the development of the school facilities component of the Traffic Engineering Manual includes a review of the policies and guidelines for School Zones and the School Crossing Supervisor Scheme, as well as the development of the Safer Routes to Schools program guidelines.**

**The Government response**

The Roads and Traffic Authority replied that it will review its current school zone and school crossing supervisor guidelines as part of the development of the *Pedestrian Facilities* component of the Traffic Engineering Manual. The *Safer Routes to School Program Guidelines* have been developed and implemented in over 1,000 primary schools throughout New South Wales. These guidelines provide for behavioural approaches to child road safety. The guidelines also incorporate on-site inspections of the traffic environment faced by students around schools.

**RECOMMENDATION 14: The Roads and Traffic Authority, in consultation with the Local Government and Shires Associations and the Institute of Municipal Engineering Australia, develop and promote a training program for roads, education and local council staff in the conduct of road safety audits, including pedestrian safety audits.**

**The Government response**

The Roads and Traffic Authority replied that road safety audit training is provided by the Institute of Municipal Engineering Australia on behalf of the Roads and Traffic Authority. The Roads and Traffic Authority is also working with the Institute of Municipal Engineering Australia and the Institution of Engineers, Australia to develop accreditation procedures to ensure that minimum competency standards are met by all road safety auditors. The Institute of Municipal Engineering Australia promotes this training to local government. The audit process includes all aspects of road environment safety, including pedestrian safety. The conduct of specific pedestrian audits would

depend on the road safety expertise of the audit team. This expertise is independent of any road safety audit training process.

#### **Comment**

In late 1999 the Institute of Municipal Engineering Australia changed its name to the Institute of Public Works Engineering Australia.

#### **RECOMMENDATION 15: The Roads and Traffic Authority to continue to examine how the issue of speeding in school zones might be better addressed, including:**

- (i) speeds during school hours but outside the standard school children travel hours;
- (ii) increased public education and awareness campaigns of the 40 km/h speed limits.

#### **The Government response**

The Roads and Traffic Authority replied that with regard to public education the most recent public education campaign specifically drawing attention to school zones ran across New South Wales in 1997. However, other aspects of driver behaviour around schools have been targeted more recently. Surveys and on site inspections as part of the *Safer To Routes To School Program* found that speeding was an issue for some schools. In these schools locally based education has taken place through the parent information sheets distributed by the school safety committees and in the school action plans. Public education regarding speeding around schools focused on the general issue of speeding and most funds in the 1998-99 financial year were devoted to the *Back to School Campaigns* and to the communication issues relating to the 40 km per hour speed limit around school buses. The Roads and Traffic Authority has commissioned two assessment studies in the past three years of school zones, which were undertaken by the Department of Geography and Planning of the University of New England. Findings from the studies include:

- Most people surveyed favour reduced speeds around schools - 20% of respondents would support a lower speed limit;
  - Motorists surveyed have a good awareness of the reduced speed limit imposed by school zones;
  - School zones are clearly associated with improving safety in the public mind;
  - There is a major gap between peoples stated perception of their behaviour in school zones and the observed data;
  - Drivers tend to see the need to slow down as directly related to children/pedestrians being present near schools, however, will disobey the reduced speed limit if they do not perceive a risk;
  - 98% of respondents surveyed felt that the police should issue infringement notices to people caught speeding in school zones;
  - Compliance with some school zones is greater than others and there appears to be a marked difference between rural and urban residents, with more urban residents complying with the reduced speed limits than rural constituents;
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- The success of school zones at certain locations relies heavily on a range of factors, which include, but are not limited to, the socioeconomic circumstances, surrounding land use, speed limits before and after the zones, presence of hills or poor sight distance to the school and level of enforcement.

Police regularly enforce school zones on a needs basis and generally respond to requests and complaints from school communities. The New South Wales Police Service conducted two enforcement campaigns of school zones in Liverpool and Blacktown/Mt Druitt command areas in 1998. During these campaigns a significant number of infringements were issued including an unlicensed motorist detected travelling at 110 km/h. The New South Wales Police Service also conducted school zone campaigns in the lower North Shore and the Northern Beaches during October 1998.

**RECOMMENDATION 16: The Roads and Traffic Authority, in conjunction with the Department of School Education and the school sectors, review the previous response to the feasibility of requiring schools to incorporate reflective thread or other materials into the design of the clothing and accessories of school children.**

**The Government response**

The Roads and Traffic Authority replied that the decision regarding the design of school uniforms is one for individual schools. When schools seek advice from the Department of Education and Training they are advised of the road safety benefits of bright light colours.

**RECOMMENDATION 17: The Roads and Traffic Authority to conduct a specific research review into the impact of vehicle engineering on child pedestrian crashes, particularly with regard to the size of vehicle and the use of bull bars.**

**The Government response**

The Roads and Traffic Authority replied that in addition to the head injuries to child road users research project, the Roads and Traffic Authority is contributing to the development of an Australian Standard for bull bars which will address the issue of pedestrian safety. The Roads and Traffic Authority is advocating the adoption of the European Enhanced Vehicle safety Committee (EEVC) test method to ensure that bull bars provide a minimum level of pedestrian safety. Any action to regulate the use of bull bars will be determined once the outcome of the standards development process is known. The Australian New Car Assessment Program, to which the Roads and Traffic Authority is a major contributor, has adopted the EuroNCAP test procedure which uses the EEVC pedestrian test method for evaluating vehicles pedestrian friendliness. Future NCAP brochures will include information on relative pedestrian safety performance and this is expected to significantly enhance debate and awareness of this issue.



**RECOMMENDATION 18: The Department of Health, the Roads and Traffic Authority and the Motor Accidents Authority ensure that one of the first projects to be undertaken by the Centre for Injury Risk Management should be to collect and analyse statistical information from police, insurance, health care, and road data sources regarding child pedestrian injury, so as to gain a better understanding of the interaction between the driver, the car, the environment and the pedestrian.**

**The Government response**

New South Wales Health replied that it has noted STAYSAFE's recommendation. New South Wales Health's actions currently underway with respect to establishing the Centre include ensuring the centre has access to the maximum amount of health related information to enable such analysis to occur. No resource allocation for specially commissioned research concerning child pedestrian injury has occurred in the 99/2000 budgetary year. New South Wales Health would normally expect the Roads and Traffic Authority to commission this type of research since the Roads and Traffic Authority is the lead agency for road safety. Potential future cross linking of health and other data, for the level of analysis alluded to in the recommendation, will only become possible with the necessary ethics committee approval.

The Roads and Traffic Authority replied that negotiations between the parties (University of New South Wales, Department of Health, the Roads and Traffic Authority, and the Motor Accidents Authority) are concluded and the contract for the Centre for Injury Risk Management Research has now been signed. A high priority is collection of data and information from all available sources to complement that which already exists and to increase our understanding of the causes of road accidents. This will include but not be restricted to information on pedestrians.

The Special Minister of State replied that the Motor Accidents Authority supports this recommendation. One of the roles of the Injury Risk Management Research Centre, as outlined in the Deed of Agreement signed by all parties in July 1999, is to collate data from relevant sources and to establish a database to deliver high quality injury incidence and risk exposure data. An Acting Director for the Centre has been appointed and a Board of Management will be established in the near future.

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# 23

## RESPONSES TO STAYSAFE 49 (1998)

*General comment - Responses to specific recommendations*

### General comment

23.1 This report of the STAYSAFE Committee examined the processes of developing the Australian Road Rules, as provided under the heads of government agreements of 1991-1992 for the reform of the road transport system in Australia.

23.2 Following the introduction of the Subordinate Legislation Act 1989, New South Wales was faced with a need to repeal the outdated regulations made under the Traffic Act 1909. New traffic law was required—under the original provisions of the Act—by 1 September 1993. More or less concurrently, on the national stage, the Commonwealth, States and Territories reached agreement in 1991 for the microeconomic reform of the Australian road transport sector concerning heavy vehicle transport operations. It only remained for these two processes to be linked—the old New South Wales traffic law would be replaced by a new law that was, in fact, national in scope and application.

23.3 The only existing account of these processes has been provided in the STAYSAFE 49 (1998) report. In STAYSAFE 49 (1998), it was proposed that:

2.16 “... it would seem that it might have been attractive to New South Wales in the 1991-1992 period to link:

- the need to replace old traffic regulations such as the Motor Traffic Regulations 1935, the General Traffic Regulations 1916, and the General Traffic (Pedestrian) Regulations 1937 by 1994 at the latest; and
- the commitment to the process of microeconomic reform of the road transport sector in 1991 and 1992;
- with the recognition that there was a draft National Traffic Code and a draft ‘plain English’ version of the Victorian road regulations available for immediate use.

Thus, it could have been that New South Wales would have been a keen advocate for the inclusion of a program to develop the Australian Road Rules within the reform process. With hindsight, if this suggestion in any way matches the truth, it was an unfortunate position to advocate.” (p.20)

23.4 When the Government was invited to comment on the findings and recommendations of the STAYSAFE 49 (1998) report, this account was not challenged or subject to any qualifying comment. STAYSAFE concludes that the account of the antecedents of the current traffic law in New South Wales presented in STAYSAFE 49 (1998) is therefore substantially correct.

23.5 The decision to link the repeal of old New South Wales traffic regulations with the reform processes may have appeared appropriate in 1991-1992, but proved to have been unfortunate decision, if not a misjudgment. In all, more than eight years were to pass before the old New South Wales traffic law was replaced by a new law—termed the Australian Road Rules—that was somewhat less national in application than might have been desired.

23.6 The Traffic Act 1909 and its associated regulations were repealed in New South Wales in December 2000, and the Australian Road Rules introduced. There are now some eight New South Wales Acts addressing road transport issues, each with associated regulations. Many of the more contentious aspects of the Australian Road Rules were specifically excluded from New South Wales law, and the old New South Wales traffic provisions essentially were rolled over into the new road transport legislation with only a small number of changes.

23.7 The Regulation Review Committee, another Committee of the New South Wales Parliament, is conducting an examination of the process of introducing the Australian Road Rules and the new road transport legislation, with a report expected in 2001. STAYSAFE is assisting the Regulation Review Committee in this examination.

## **Responses to specific recommendations**

**RECOMMENDATION 1: The Minister for Roads, in consultation with Ministers with portfolio areas involved in road safety activities, require the Roads and Traffic Authority to conduct a comprehensive review of New South Wales traffic law as it applies to motorists, cyclists and pedestrians, using the draft Australian Road Rules and other documents, as appropriate.**

### **The Government response**

The Roads and Traffic Authority replied that it has been responsible, on the Minister's behalf, for co-ordinating with all relevant stakeholders the New South Wales participation in the development of the Australian Road Rules. During this process a comprehensive review of New South Wales traffic law has been conducted.

The Special Minister of State replied that the Motor Accidents Authority supports this

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recommendation.

The Attorney General replied that a review of New South Wales traffic laws based on the draft Australia Road Rules has been undertaken. The Attorney General's administration has been consulted and has provided assistance in relation to that review.

**RECOMMENDATION 2: The Roads and Traffic Authority, following completion of a comprehensive review of New South Wales traffic law as it applies to motorists, cyclists and pedestrians, be required to undertake a significant program of public education and public consultation about the manner and form by which the old traffic regulations (the Motor Traffic Regulations 1935, the General Traffic Regulations 1916, and the General Traffic (Pedestrian) Regulations 1937) are to be replaced.**

**The Government response**

The Roads and Traffic Authority replied that during the development of the Australian Road Rules the Roads and Traffic Authority has held wide discussions with stakeholders. Additionally, a national group of key stakeholders—including the Roads and Traffic Authority—is meeting regularly as the Australian Road Rules Implementation Group to develop a draft implementation and publicity strategy. This group is also identifying those tasks that are considered critical for successful implementation of the road rules.

**RECOMMENDATION 3: The Minister for Roads direct the Roads and Traffic Authority to prepare a comprehensive regulatory impact statement and an assessment of the social costs associated with the introduction of new traffic legislation to replace the old traffic regulations.**

**The Government response**

The Roads and Traffic Authority replied that it will prepare a comprehensive regulatory impact statement as is required under the Subordinate Legislation Act 1989.

**Comment**

STAYSAFE is not satisfied with this response. A comprehensive regulatory impact statement was not prepared in light of comments in the STAYSAFE 49 (1998) report. There was a failure to provide an assessment of the social costs associated with the introduction of new traffic legislation to replace the Traffic Act 1909 and associated regulatory instruments (the Motor Traffic Regulations 1935, the General Traffic Regulations 1916, and the General Traffic (Pedestrian) Regulations 1937).

The adoption of the Australian Road Rules on 1 December 1999 required the following major statute law reforms:

- the proclamation of the Road Transport (Safety and Traffic Management) Act 1999, the Road Transport (General) Act 1999, and the Road Transport Legislation Amendment Act 1999; and
- the introduction of the Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999, the Road Transport (General) Regulation 1999, the Road Transport (Safety and Traffic Management)(Driver Fatigue) Regulation 1999, the Road Transport (Mass Loading and Access) Amendment (Road Trains and Other Vehicles) Regulation 1999, the Road Transport (Vehicle Registration) Amendment (Miscellaneous) Regulation 1999, the Road Transport (Driver Licensing) Amendment (Law Revision) Regulation 1999, and the Road Transport (General)(Short Descriptions and Penalty Notice Offences) Regulation 1999.
- the repeal of the Traffic Act 1909, the Motor Traffic Regulations 1935, the General Traffic Regulations 1916, and the General Traffic (Pedestrian) Regulations 1937.

Regulatory impact statements were prepared for some, but not all of the new regulations to be introduced. Regulatory impact statements were not prepared for several regulations: the Road Transport (Safety and Traffic Management)(Driver Fatigue) Regulation 1999, the Road Transport (Vehicle Registration) Amendment (Miscellaneous) Regulation 1999, the Road Transport (Driver Licensing) Amendment (Law Revision) Regulation 1999, and the Road Transport (General)(Short Descriptions and Penalty Notice Offences) Regulation 1999. The Roads and Traffic Authority stated that regulatory impact statements were not required for these regulations because:

“They are merely of a consequential and machinery nature ...” (Roads and Traffic Authority, 1999, p.4)<sup>1</sup>

Of course, this conclusion is likely to be examined when the Parliament of New South Wales' Regulation Review Committee assesses the new regulations, as provided by the Subordinate Legislation Act 1989.

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<sup>1</sup> Roads and Traffic Authority (1999). Regulatory impact statement: Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999, Road Transport (Safety and Traffic Management) (General) Regulation 1999, Road Transport (General) Regulation 1999. Haymarket, NSW: Roads and Traffic Authority.

STAYSAFE also noted:

“4.15 It is curious that a challenge as yet unanswered in the process of developing a national uniform or consistent set of Australian Road Rules has been that changing the minor detail of most laws would appear to have marginal relevance to road safety and, in fact, to the economics of the road transport system. Perhaps, like the emperor’s new clothes, no one has had the courage to ask the first simple question: Why are we doing this? (And then follow through with more direct questions such as: What are the quantifiable benefits of standardising an already substantively harmonious body of traffic law across the States and territories? What are the true costs associated with the replacement of the traffic law in each State and Territory—including the revision of driver licensing materials, road safety curriculum materials, the replacement of traffic law compendia and commentaries, challenge and revision to case law, etc.?).” (STAYSAFE 49, 1998, pp.30-31)

STAYSAFE continued:

“4.16 Certainly, the preliminary regulatory impact statement released with the draft Australian Road Rules in 1995 is manifestly inadequate when assessed against the guidelines required of subordinate legislation in New South Wales, which require a statement of the objectives sought to be achieved and the reasons for them, an identification of the alternative options by which those objectives can be achieved (whether wholly or substantially), and an assessment of the costs and benefits of the proposed statutory rule and the alternatives.” (STAYSAFE 49, 1998, p.31)

At the same time STAYSAFE 49 (1998) report was released, a final regulatory impact statement for the Australian Road Rules was completed (Ungars, 1998)<sup>2</sup>. Ungars concluded that the cost of introducing the Australian Road Rules in New South Wales would be between \$24.381 million and \$50.083 million. The maximum cost could be reduced by adoption of a transitional period.

STAYSAFE remains concerned that costs associated with policing and the justice system were ignored or substantially unrecognised during the drafting of the regulatory impact statement for the Australian Road Rules. In light of STAYSAFE’s concern it is surprising to see the Roads and Traffic Authority’s comments that:

“There are no significant additional costs anticipated other than those already dealt with in the NRTC’s regulatory impact statement” (Roads and Traffic Authority, 1999, p.11)

**RECOMMENDATION 4: The Minister for Roads should delay the introduction of any major revision of New South Wales traffic law concerning the general behaviour of motorists, cyclists**

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<sup>2</sup> Ungars, R. (1998). Australian Road Rules—Regulatory impact statement. November 1998. Melbourne, Vic.: National Road Transport Commission.