

INQUIRY INTO HEAVY VEHICLE SAFETY

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Submission
to
Staysafe (Road Safety) Committee
on
Heavy Vehicle Safety – Inquiry

March 2009

8th April 2009

Mr G Corrigan MP
Chair
Parliamentary Joint Standing Committee on Road Safety (Staysafe)
Parliament of New South Wales
Macquarie Street
Sydney NSW 2000

Dear Mr. Corrigan,

Thank you for the opportunity to have input and make comments on the inquiry into Heavy Vehicle Safety in NSW.

ATA NSW is the peak trucking industry body that represents and supports trucking operators that range from single owner driver's right through to major transport companies. Safety and fatigue are core responsibilities to individuals and companies alike. It is with the best interests of our members that I make this submission on their behalf.

Please note that while broadly addressing the terms of reference set out below ATA NSW request an opportunity to address the standing committee on issues pertaining to Heavy Vehicle Safety, in greater detail, at you convenience

TERMS OF REFERENCE INQUIRY INTO HEAVY VEHICLE SAFETY

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

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

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

ATA NSW Submission on Heavy Vehicle Safety
Staysafe (Road Safety) Committee

In order to deliver safety and secure that heavy vehicle driver fatigue is maintained it is ATA NSW belief that this can be achieved through the Heavy Vehicle Driver Fatigue Management Regulation (HVDFM). HVDFM is the national reform that mandates each and every truck driver and operator to ensure that fatigue management is delivered safely. A duty of care in the chain of responsibility is the core focus for all in the supply chain. Likewise, appropriate drug and alcohol policies exist.

The NSW transport industry currently carries the burden of three regulations. Occupational Health and Safety (OH&S) Amendment (Long Distance Truck Driver Fatigue), Regulation 2005, The Transport Industry - Mutual Responsibility for Road Safety (State) Award and the Road Transport (General) Amendment (Heavy Vehicle Driver Fatigue and Speeding Compliance) Regulation of 2008.

The above regulations while having some commonalities presently are not totally consistent with each other. Thus, in NSW, operators are required by law to abide by three different regulations at any given time. Consequently, by abiding by one regulation you may be in breach of the other furthermore, you could be prosecuted under more than one regulation at any one time.

ATA NSW members believe that having the burden of three regulations is complicated and unproductive. In addition, safety enhancement can be delivered efficiently and effectively via one regulation that being the Heavy Vehicle Driver Fatigue Management Regulation. Furthermore, this a national regulation that aims to deliver national consistency across all jurisdictions

ATA NSW had and continues to have extensive input into the HVDFM through the National Transport Commission (NTC), The NSW State Government and The State Agency (NSW RTA). Generally, this model achieves a higher level of safety and accountability for the chain of responsibility within the supply chain.

Infrastructure – Rest Areas

The lack of adequate and appropriate truck rest areas across the state is a serious matter of high importance that needs to be addressed immediately. With the implementation of the HVDFM, ATA NSW members are being forced to take their mandatory rest breaks in inadequate unacceptable and dysfunctional places.

A recent Audit of Rest Areas against National Guidelines conducted by Austroads and NTC outlined that NSW was greatly lacking in truck rest areas. Further, the great majority of trucks rest areas that do exist do not meet the required national standard. Many do not have toilets or fresh drinking water facilities.

ATA NSW believes that the Government must take a lead in establishing new truck rest areas and upgrading some existing truck rest areas. If drivers and operators are not to breach this regulation then everything that can be done to make it easier for them should be implemented as soon as possible. Indeed within the chain of responsibility it is the Governments role to provide adequate and acceptable infrastructure to ease that unnecessary burden. ATA NSW have noted and photographed truck rest areas that are listed on the NSW RTA website but do not allow for suitable turning space for B Doubles.

These vehicles reverse onto the Hume Highway impeding the traffic inhibiting safety whilst trying to re enter the highway again after resting.

The five most important points that Government should consider when establishing and enhancing truck rest areas are:

1. Adequate size considering the number of heavy vehicles that use any given road and the number of Heavy Vehicles requiring rest simultaneously. I.e. it would be pointless to establish a rest area for only 4 or 5 heavy vehicles on a busy highway. If a truck pulls up to a full rest area and there is no 'reasonable steps defense' in the fatigue regulation, then they have no choice but to pull up on the side of the road / highway and take their mandatory rest breaks. We have recently seen an example of a truck not being able to fit into a rest area on the Pacific Highway and was located half on the shoulder section of the road and was hit by a car which resulted in a fatality.
2. All truck rest areas should have toilets and fresh drinking water facilities.
3. Easy access from the road with a shoulder exit lane so that trucks are not turning across and impeding traffic. In areas of heavy traffic e.g. Hume, Pacific and Princes Highways, truck rest areas should be duplicated on both sides of the road.
4. The truck rest areas are specifically for rest and drivers should be shielded where possible from excessive traffic noise
5. Well signposted indicating the upcoming rest area for drivers to be prepared and articulate the preparation to enter the rest area. For example 'truck rest area 30 kilometres ahead'.

The government should also recognize that there are many operators who use two up driving methods and multiple truck trailer combinations on long distance haulage and that suitable changeover facilities should be made available for the safe changeover/ drop off and pick up requirements of drivers and operators. For example it is unsuitable for a changeover area to be located without appropriate road signage and speed monitoring.

ATANSW also recognizes that there needs to be further investigation into improving access for higher productivity vehicles. Currently the only broad scale viable response to the growing demand for freight is to use more trucks or the use of existing trucks for longer period each day. Both these options put undue pressure on safety risks due to increased exposure. Higher Productivity vehicles would provide direct safety benefits to the general public. There would be less truck movements. At present higher productivity and high mass limited vehicles are either prohibited or don't have satisfactory access to many local roads.

Summary

Road Safety is the responsibility of all road users. ATA NSW would appreciate the opportunity to expand on the matters of concern raised in this submission. In closing ATA NSW recommends that the Parliamentary Joint Standing Committee on Road

Safety (Staysafe) accepts this submission and gives consideration to our request for further discussion on this critical area of road safety.

If you have any content questions please do not hesitate to contact Jill Lewis Manager ATA NSW

Yours Sincerely

Jill Lewis
Manager ATA NSW
8th April 2009