

INQUIRY INTO HEAVY VEHICLE SAFETY AND USE OF TECHNOLOGY TO IMPROVE ROAD SAFETY

Organisation: Toll Group
Name: Mr Royce Christie
Position: Group General Manager, Government Relations
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TOLL

Toll Group

Submission to the NSW Staysafe Committee
Inquiry into heavy vehicle safety and use of
technology to improve road safety

5 March 2018

Recommendations

Safest and Best Laws:

1. Toll recommends that NSW and all other jurisdictions in Australia consistently define a truck as any motor vehicle with a GVM greater than 4.5 tonnes in all legislation/regulation.
2. NSW should lead the national harmonisation of the trucking rule book by identifying the laws it has in place that are deficient and amending them to meet the highest level of safety.
 - 2.1. NSW can start this process by amending their drink driving law for truck drivers to align the penalty (3 month suspended licence) and minimum BAC (0.00) with Queensland and Tasmania.

Safer and Better trucks:

3. Toll recommends that the NSW Government call on the Commonwealth to accelerate the Australian Design Rule changes that will see Electronic Stability Control mandated in all new trucks in Australia.
 - 3.1. In addition to that work, Toll recommends that the NSW Government call on the Commonwealth to promptly include the mandatory installation of Autonomous Emergency Breaking Systems, Lane Departure Systems and Fatigue Monitoring devices as the next step in upgrading the Australian Design Rules.
4. Toll recommends that the NSW Government incentivise transport companies to purchase new vehicles with the latest safety equipment. The government could use a number of levers available to it including stamp duty rebates or requiring companies wanting access to government contracts to meet an appropriate safety standard on their vehicles.

Recording devices (telematics):

5. Toll recommends that the NSW Government review its current law for the mandatory installation of data recording devices in some heavy vehicles in NSW and consider how this could be rolled out to all Australian trucks.
 - 5.1. In addition Toll recommends that the NSW Government consider how it can use its expertise and position to highlight the benefits that can be obtained by all transport companies, small and large, from the use of telematics devices, both in safety and efficiency.
6. The NSW Government should consider the mandatory use of telematics for safety purposes in vehicles owned by the state or undertaking work for the state. This could also benefit the government as a means to collect data from these devices in order to improve transport decision making.

About Toll:

With over 125 years' experience, Toll Group, proudly part of Japan Post, operates an extensive global logistics network across 1,200 locations in more than 50 countries. Our 43,000 employees provide a diverse range of transport and logistics solutions covering road, air, sea and rail to help our customers' meet their global supply chain needs.

Introduction:

Road safety is not about money. It is not about regulations. It is not about technology.

It is about people.

With an average of 200 deaths a year on Australian roads resulting from crashes involving trucks and another 1700 people being seriously injured, Australia has to face up to the fact that we have a dire road safety problem.

There is a feeling of complacency about road safety, a feeling that is not shared in the other major transport modes like rail or aviation. Any major incident in either of these modes leads to instant government action.

The lack of action on the road toll is reflected by the at best gradual decrease in deaths over the last 10 years. It is highly unlikely we will achieve the relatively small target of a 30% reduction in road deaths in this decade.¹ There has not been a major downturn in the road toll, like those that occurred with the introduction of compulsory seat belt laws and random breath testing, in many years.

The causes of crashes on our roads are already well known, and are generally referred to as the "fatal five". These are: inappropriate speed; distraction and inattention; drink and drug driving; fatigue; and seatbelt use. Toll's experience supports this.

When thinking specifically about road transport and trucking, it is difficult to think of any other industry that has this many deaths related to it. These deaths are not only restricted to the people who work in our industry but also members of the general community.

The road toll problem will not be alleviated by more studies, reviews and inquiries (with respect to this Committee).

In January 2018 Toll's Managing Director, Michael Byrne, put forward a series of actions that we believe Australia's governments should be implementing and start the revolution we need to alleviate this road safety problem. That letter has been attached to this submission for convenience.

These actions address the fatal five, with a number of them calling for the increased use of available technology and equipment.

- **One rule book** with one definition for a heavy vehicle and consistent laws around speed, fatigue and other laws governing heavy vehicles in Australia.
- Introduce an **operator licencing system** so that road transport operators will need to demonstrate their safety and competence before they are allowed to operate a trucking company.
- **Better education for car drivers** so that they respect the limitations 60 tonne trucks have on our roads.
- Reward safe transport operators and **incentivise the replacement of older trucks** with new vehicles and safety technology.
- Require all new trucks in Australia to have on-board **telematics** to catch and remove operators that refuse to do the right thing.

¹ See the Australian Automobile Association's assessment at: <http://www.aaa.asn.au/NRSS>

- **Include operators**, such as Toll, with real world experience and expertise to develop and deliver policy.

All trucking businesses hold a social licence to operate in the community. This social licence has been under pressure recently. If the industry loses the community trust, we lose our social licence to operate.

The industry is demanding improved productivity, including an increased use of High Productivity Freight Vehicles (HPFVs). But we have little right to ask for this from the community while we refuse to face up to the tragic impact our work has on the community.

Even acknowledging that where HPFVs have been introduced they are safer than doing the same task with smaller trucks, the community do not want to share the road with more “monster trucks” while we continue to ignore our safety issues.

Many of the steps we are asking government to take have been proposed previously and not implemented. There are various reasons for that, but generally it is because sections of the industry disliked it. But road safety shouldn't be about what some people like or not, it should be about all of us having the moral courage to say “I will do all that I can to ensure that everyone gets home from work safely.”

To place these objections in context, there were a number of objections raised to the introduction of compulsory seat belt laws in the 1970s. A 1969 survey undertaken by the RACV in Victoria found that 53% were **NOT** in favour of the compulsory wearing of seatbelts by the driver and their passengers.² Some of the objections raised to the Victorian Parliament Committee and the Committee's response to these make for interesting reading.³

Objection:

“In some vehicles handbrakes, control knobs, and auxiliary items such as radio controls and ash trays cannot be reached by a driver wearing a combination lap and sash belt.”

Committee reply:

“It would appear that in this objection death or serious injury are considered secondary to convenience.”

Objection:

“It has been suggested that the wearing of seat belts should be a matter of individual choice and that compulsion represents an infringement of personal liberty.”

Committee reply:

“The Committee believes that there should not be compromise with death and injury where motor vehicle accidents are concerned.”

Toll asks that we all accept that we should not compromise with death and injury on our roads.

² Question: “Do you favour the compulsory wearing of seat belts for yourself and your passengers?” Yes = 665 No = 736. N=1,401. Taken from *Third Progress Report upon an investigation into the desirability of the compulsory fitting and the compulsory wearing of seat belts*, Victorian Parliament Joint Select Committee on Road Safety, accessed via <https://www.parliament.vic.gov.au/papers/govpub/VPARL1969-70NoD1.pdf>

³ *Third Progress Report upon an investigation into the desirability of the compulsory fitting and the compulsory wearing of seat belts*, Victorian Parliament Joint Select Committee on Road Safety, accessed via <https://www.parliament.vic.gov.au/papers/govpub/VPARL1969-70NoD1.pdf>

Safest and best laws:

Harmonisation of the rule book for heavy vehicles is key to improving safety.

We need the safest and best law, implemented equally, all over Australia. Safe and compliant behaviour starts with a clear, comprehensive picture of what that behaviour looks like.

NSW might already have some of the safest and best laws in Australia, but there are areas where NSW law is deficient in comparison to other jurisdictions. Below we expand on a handful of these.

What is a truck?

The Australian Road Rules, the standard law used by all jurisdictions, defines a truck as being, “a *motor vehicle with a GVM over 4.5 tonnes, except a bus, tram or tractor.*” (Australian Road Rules, 2015).

The Heavy Vehicle National Law also says that a truck is a vehicle with a mass in excess of 4.5t.

NSW licencing laws require anyone who wants to drive a vehicle in excess of 4.5t to undertake further training and be tested for an endorsed licence.

This should be enough to confirm that the definition of a truck should be a motor vehicle with a GVM in excess of 4.5 tonnes, but it isn't.

Some areas in NSW law where the definition of a truck varies include:

- Speed limiter laws applies to trucks with a mass greater than 15t, unless they were manufactured after 1 January 1991, when it applies to trucks with a mass greater than 12t.
- Speeding laws in NSW allow for differentiation between a “large motor vehicle” with a mass greater than 4.5t and a “heavy motor vehicle” with a mass greater than 12t.
- Portable warning triangles must be carried by any vehicle with a mass of more than 12t. (It should be noted that this is an Australian Road Rule, not a specific NSW law).
- Vehicle monitors are only for trucks manufactured after 1 January 1991 with a mass greater than 13.9t.
- NSW drink driving laws for trucks only applies to drivers of vehicles with a mass greater than 13.9t.
- Fatigue laws are for vehicles greater than 12 tonne but no rules for vehicles between 4.5 tonne and 12 tonne (not specific to NSW).

1. Toll recommends that NSW and all other jurisdictions in Australia consistently define a truck as any motor vehicle with a GVM greater than 4.5 tonnes in all legislation/regulation.

Drink Driving:

As mentioned above, the NSW drink driving law for truck drivers only applies to drivers of vehicles with a mass in excess of 13.9t.

NSW is also the only state in Australia that allows a driver of a truck to have some blood alcohol content and legally drive. In all other jurisdictions the limit is 0.00, although the penalties vary.

We know that the smallest amount of alcohol in a person's system can have an impact on their driving ability. Although the impact on a person's skill level is smaller for a BAC less than 0.02 (the current NSW limit for truck drivers) the consequences from a truck crash are much higher and therefore a much higher bar must be set.

Already Toll and many major transport and warehousing businesses apply a 0.00 limit on their employees at their sites and driving their vehicles across Australia. The consequences for any employee found to breaching this 0.00 limit is termination of employment. The current NSW law is also likely out of step with community expectation.

There are no valid reasons why any truck driver should have any alcohol in their system. They should not be drinking before or during their work shift. They should also not be drinking so much the night before their work shift that they will still have alcohol in their system the next day as this level of alcohol consumption impacts their ability to have a restorative rest break as required under fatigue laws.

In the opinion of Toll, the safest and best law in relation to drink driving and heavy vehicles is that any driver of a vehicle with a mass greater than 4.5t found to have any alcohol in their system (ie, record a BAC in excess of 0.00) should face a minimum 3 month suspension of their licence.

This is already the case in both Queensland and Tasmania.

2. NSW should lead the national harmonisation of the trucking rule book by identifying the laws it has in place that are deficient and amending them to meet the highest level of safety.

2.1. NSW can start this process by amending their drink driving law for truck drivers to align the penalty (3 month suspended licence) and minimum BAC (0.00) with Queensland and Tasmania.

Safer and Better Trucks:

The equipment available for use on a truck can have a significant impact on road safety. In fact, a 2014 study undertaken by the Monash University Accident Research Centre estimated a 25% fatal crash reduction, saving 67 lives per year, from Automated Emergency Braking alone.⁴ The study also estimated that lives could be saved by Lane Departure Warning Systems (16 lives), Electronic Stability Control (11 lives) and Fatigue Warning Systems (10 lives). In total the amount of lives that could be saved from mandating this equipment is more than 100 per year.

In other words, if every truck in Australia had all of this equipment, we could halve the road toll involving trucks. But no jurisdiction in Australia offers any incentive for truck owners to upgrade their fleet or to spend a small amount extra on these options.

According to the ABS, the average age of all vehicles in Australia is 10.1 years. The average for articulated trucks is 11.9 years and the average age for rigid trucks is 15.7 years. Such an old fleet leaves Australian heavy vehicles exposed.

Electronic Stability Control is a technology that has been around for more than a decade and has been mandatory on new cars in Australia for some years. It is not yet mandated for new trucks. While Australia waits for those changes to occur other new technology is already becoming standard in many international markets.

Despite a new prime mover costing around \$250,000 there are continual reports from truck manufacturers that many new purchasers of trucks continue to refuse to pay a few thousand dollars extra for the optional safety package of ESC and other equipment.

3. Toll recommends that the NSW Government call on the Commonwealth to accelerate the Australian Design Rule changes that will see Electronic Stability Control mandated in all new trucks in Australia.

3.1. In addition to that work, Toll recommends that the NSW Government call on the Commonwealth to promptly include the mandatory installation of Autonomous Emergency Braking Systems, Lane Departure Systems and Fatigue Monitoring devices as the next step in upgrading the Australian Design Rules.

⁴ *Potential Safety Benefits of Emerging Crash Avoidance Technologies in Australasian Heavy Vehicles*, Monash University Accident Research Centre (MUARC) Report No. 324, September 2014,

- 4. Toll recommends that the NSW Government incentivise transport companies to purchase new vehicles with the latest safety equipment. The government could use a number of levers available to it including stamp duty rebates or requiring companies wanting access to government contracts to meet an appropriate safety standard on their vehicles.**

Recording devices (telematics):

There are a number of groups that reject telematics as a safety feature. Toll is not one of them.

Telematics uses a device, similar in many ways to a black box recorder on aircraft, to record and in some cases send data collected from the vehicle including position, speed, operating times and fuel usage. Every new truck in the Toll fleet has a telematics device installed and we believe that telematics should be mandatory in all new trucks and eventually rolled out to all Australian trucks.

Driving a truck is a hard job. What telematics allows us to do is to use this smart technology to support the driver and put a team effort into safety. It is another way that the responsibility for safety can be shared.

In real time this can be as simple as a supervisor receiving an alert that a truck has had a speeding event or has had a larger than normal g-force event. The supervisor can then talk to the driver and they can discuss what caused those events. Are they aware that they just had a recorded incident? Does the driver need to take an unscheduled rest break?

Fatigue monitoring equipment can also alert the driver and supervisors to the signs of fatigue in a driver. When one of the key symptoms of fatigue masks the ability for an individual to identify it in themselves, having some smart technology and a team member back at base to identify and act before it becomes a problem can be a great safety benefit.

Over the longer term, the lessons we gain from telematics mean we train better drivers and design safer trucks that reduce the human element that is present in almost all crashes.

Aviation has been doing this for decades as a way to continuously improve their safety record. Why people think trucks, with a much worse safety record, shouldn't do it is beyond our understanding.

For small and family operators this could also be an important tool to maintain a connection between a driver and home base without constant phone calls. Automatic alerts back to base built into the system can provide an additional level of security and support for all involved, without significant costs.

NSW law already places a requirement for some heavy vehicles to have an in-vehicle monitor collecting information on the time, date and place of starting and finishing a journey, the time a vehicle is moving and stationary, vehicle speed and the distance it travels between stops. This law has been in place for some time now and while we have some issues with it as it currently stands and is enforced there is little reason why NSW couldn't use the experience it has from in-vehicle monitoring and be at the heart of driving a new national standard of telematics for all trucks.

Telematics with easy and full access for enforcement agencies means that bad operators who continue to risk the lives of the community will be put out of business.

Telematics also means that good operators will be able to clearly demonstrate their safety and competence not only to the enforcement agencies but also to the general public.

5. Toll recommends that the NSW Government review its current law for the mandatory installation of data recording devices in some heavy vehicles in NSW and consider how this could be rolled out to all Australian trucks.
 - 5.1. In addition Toll recommends that the NSW Government consider how it can use its expertise and position to highlight the benefits that can be obtained by all transport companies, small and large, from the use of telematics devices, both in safety and efficiency.
6. The NSW Government should consider the mandatory use of telematics for safety purposes in vehicles owned by the state or undertaking work for the state. This could also benefit the government as a means to collect data from these devices in order to improve transport decision making.

Commentary on the road toll over December 2017 and January 2018

To require so many people to be badly injured and killed on our roads over a short space of time in order to generate public attention on road safety is beyond disappointing.

The fact that people in other jurisdictions are using the spike in NSW as evidence that they don't need to change because the problem is one of NSW's making is even worse.

Statistics need to be analysed over long periods of time, not two months, in order to provide any guidance.

Statistics tell us around 200 people are killed and another 1700 are seriously hurt on our roads as a result of crashes involving trucks each year. The real impact of this is that nearly 2000 families each year are suffering as a result of road trauma brought about by truck crashes. This should be evidence enough that we have a dire road safety problem.

Statistics are also often misleadingly used.

From statistics, some say heavy vehicles have no responsibility because in 93% of fatal multi-vehicle crashes involving heavy vehicles, the other vehicle driver was found at fault.

Also from statistics, the fact that heavy vehicles are disproportionately a part of more severe crashes when compared to vehicles registered or kilometres travelled leads some to believe that all trucks are dangerous.

It is Toll's view that governments and road safety bodies tend to overly rely on the continual analysis of statistics and investigations in order to develop any changes to government policy. This continual backward looking feature of road safety research, akin to closing the gate after the horse has bolted, has slowed down Australia's response to the road safety issues involving heavy vehicles in Australia.

As Toll's Managing Director Michael Byrne stated in his letter to the Prime Minister:

"We have immediate, critical opportunities before us today that, when implemented, will save lives. We know what needs to be done. It is time for action."



Toll Group
Level 7, 380 St Kilda Road
Melbourne VIC 3004 Australia

T +61 3 9694 2888
F +61 3 9694 2880
www.tollgroup.com

Toll Holdings Limited
ABN 25 006 592 089

11 January 2018

The Hon Malcolm Turnbull MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister

Recent media reports have highlighted what we in the transport industry already know all too well - Australia has a dire road safety problem. In the five years to 2016, **more than 1,000 people were killed in truck crashes**. Our approach to heavy vehicles in this country is core to tackling this issue.

We have heard from many experts across government and academia on what needs to be done to improve road safety, and we thank them for their important contributions. I write to you to as the leader of Australia's largest transport and logistics company, Toll Group, and the former leader of Linfox, the second largest transport company. I've worked in the trucking business since I was 13 years old, and am a second generation industry veteran with my mother having run a highly successful transport business.

I offer you a different perspective to this important discussion on what must be done to improve safety on our roads. I bring you an operator's perspective.

We must begin by addressing six critical areas.

Firstly, we must have one rule book across Australia. Starting with the basics - we are yet to have a consistent definition of what a "heavy vehicle" is. Sometimes it's a vehicle above 12 tonnes (for work and rest hours), sometimes above 12 tonnes and manufactured after 1997 (for speed limiters – except in NSW), and sometimes a vehicle above 4.5 tonnes (mass, dimension and load restraint). Compliance starts with clarity of the rules. A truck should be any vehicle 4.5 tonnes and above. Period.

On the life and death matter of driver fatigue, our current state-based system allows drivers to drive for up to 17 hours in a 24 hour period in Western Australia and up to 18 hours in the Northern Territory – a workday that would be illegal for a driver in any other state. This leaves time for a maximum of only 6 to 7 hours of rest in a 24 hour period – resulting in the physiological equivalent of a blood alcohol concentration of 0.05. We do not accept drunk driving. We should not accept fatigued driving.

Further, the maximum speed limit for trucks between 4.5 and 12 tonne varies from 100 km/h in NSW to 130 km/h in the Northern Territory. Any truck driver making the slightest error in judgement at 130 km/h will certainly have a devastating outcome for the driver and anyone unfortunate enough to be in the vicinity.

It is time for a genuinely national approach to heavy vehicle regulation, including for heavy vehicle driver licensing. A national driver licensing system can stipulate the skills and competencies required to safely drive a heavy vehicle, including how to restrain a load and how to fill out a work diary. A genuinely national system would mean that licence cancellation in one state means cancellation in all states. A targeted strategy will attract new drivers, arrest the decline in competent drivers and provide a career path for driving professionals.

The National Heavy Vehicle Regulator was supposed to deliver one rule book. It hasn't. Western Australia and the Northern Territory have refused to sign up to the national law. And so today Australian road freight operators are subject to multiple and overlapping rules at the local council, state and national level. Let's look to aviation for inspiration on how this can be achieved. This industry is subject to one set of rules. No exceptions. We must follow.

Secondly, we must introduce an operator licensing system. Where operators in maritime, rail and aviation must all demonstrate their safety and competence before they can operate, in road transport virtually anyone with a truck, a driver and an ABN can be a road freight operator. This makes Australia unusual: most comparable countries have an operator licensing system for road transport. For example, in the UK, road transport operators must pass a "fit and proper" person test, prove they have the funds to maintain vehicles, and employ transport managers who understand what compliance looks like.

Third, the solution to the road toll cannot and will not come solely from industry. The community, government, enforcement and road safety bodies must do their part too. Through NTI data, we know that in 93% of fatalities involving a truck, the other party was at fault. Yet national and state road safety strategies are silent on how light vehicle drivers can "share the road" safely with trucks. There is an opportunity to ensure that drivers are educated on driving safely around trucks, such as safe stopping distances and over-taking, as part of licensing schemes.

Fourth, by pulling the right policy levers, government can incentivise and reward safe behaviours from heavy vehicle operators. Discounted registration and stamp duty fees could be offered to operators with sound safety records. Government can also mandate investment in newer, safer more sustainable fleet. Technologies such as autonomous emergency braking systems, lane departure warning systems and electronic stability control can save up to 104 lives per year but are taking too long to become standard in the fleet. The average age of a heavy rigid truck in Australia is 15.7 years. The average age of an articulated truck is 11.9 years. An operator licensing system could stipulate a maximum vehicle age or offer subsidies/incentives to safe operators to deploy these life-saving technologies.

Fifth, mandate telematics, which includes GPS and black box technology, for all new heavy vehicles. Enforcement of the rules is tough in Australia because of the vast distances between towns. There are not enough police to catch every driver and operator that puts other road users at risk. Mandatory telematics on every vehicle will identify operators that systematically and deliberately speed, overload vehicles and push fatigue limits. Removing operators that refuse to do the right thing protects the community and allows good operators to remain competitive.

Finally, we must ensure that operators such as Toll Group are actively engaged in any debate and policy development pertaining to road safety and heavy vehicles. Any discussion on heavy vehicle regulation must draw on private sector expertise to truly understand how we can overcome the obstacles that are holding us back from creating safer roads for our community.

To recap, I call on the government to make the following six points a priority to affect real improvements in driving the road toll down:

- (1) Have one rule book for heavy vehicles and heavy vehicle drivers across the country. No variations, no exceptions. This must cover a standard definition of a heavy vehicle as well as a national approach to: mandatory stationary rest times for heavy vehicle drivers, speed limits for heavy vehicles and a driver licensing system
- (2) Introduce a national operator licensing system
- (3) Enhance community understanding of how to drive safely around trucks, including through the graduated licensing system and education campaigns
- (4) Incentivise and reward safe, modern fleets with life-saving technologies
- (5) Make telematics mandatory for regulatory purposes.
- (6) Draw on private sector expertise from transport operators in any discussion on improving road safety outcomes pertaining to heavy vehicles

I am sending this letter to all Road and Road Safety Ministers across Australia with the view to driving collaboration across governments. As Australia's largest provider of road freight logistics, Toll stands ready to work with all governments to make these six points a reality.

In our view, we don't need any further research, studies and committees. We have immediate, critical opportunities before us today that, when implemented, will save lives. We know what needs to be done. It is time for action.

Yours sincerely,



Michael Byrne
Managing Director

CC:

Hon Barnaby Joyce, Deputy Prime Minister and Minister for Infrastructure and Transport
Peter Fox, Executive Chairman of Linfox Pty Ltd
James Chessell, National Editor, The Age and Sydney Morning Herald
Tony Sheldon, National Secretary Transport Workers Union
Michael Kilgariff Chief Executive & Managing Director, Australian Logistics Council
Geoff Crouch, Chair, Australian Trucking Association