

REPORT ON PROCEEDINGS BEFORE

JOINT STANDING COMMITTEE ON ROAD SAFETY

**INQUIRY INTO INTERVENTIONS TO REDUCE ROAD TRAUMA IN
REGIONAL NSW CAUSED BY SPEEDING, FATIGUE, DRINK AND
DRUG DRIVING**

At Macquarie Room, Parliament House, Sydney on Wednesday 29 October 2025

The Committee met at 9:30 am

PRESENT

Mr Greg Warren (Chair)

Legislative Council

The Hon. Anthony D'Adam
The Hon. Natalie Ward

Legislative Assembly

Mr Roy Butler
Mr Matt Cross
Mr Warren Kirby (Deputy Chair)

PRESENT VIA VIDEOCONFERENCE

The Hon. Mark Latham

Mr Edmond Atalla
Ms Kylie Wilkinson

The CHAIR: Good morning to everyone who is present and those who have tuned in online. Welcome to all my colleagues and thank you for your contributions. Before we start, I acknowledge the Gadigal people, who are the traditional custodians of this land. I pay my respects to their Elders and people of the Eora nation past and present. I extend that respect to other Aboriginal and Torres Strait Islander people who are present or viewing these proceedings online. Welcome to the public hearing of the Joint Standing Committee on Road Safety, otherwise known and referred to as the Staysafe Committee.

I am Greg Warren and I am Chair of the Committee. I am joined by the Deputy Chair and member for Riverstone, Mr Warren Kirby, who is on his way but is tuned in online; Mr Edmond Atalla, the member for Mount Druitt; Mr Roy Butler, the member for Barwon; Mr Matt Cross, the member for Davidson; the Hon. Anthony D'Adam; the Hon. Mark Latham; the Hon. Natalie Ward, who is also on her way and has joined online; and Ms Kylie Wilkinson, the member for East Hills. We thank the witnesses who are appearing before the Committee today and the many stakeholders who have made written submissions. We sincerely appreciate your input into this very important inquiry. I declare the hearing open.

Mr BOLA OYETUNJI, Auditor-General, Audit Office of New South Wales, sworn and examined

Ms CLAUDIA MIGOTTO, Deputy Auditor-General, Audit Office of New South Wales, affirmed and examined

The CHAIR: I welcome our first witnesses. Thank you both for appearing before the Committee today to give evidence. Please note that the Committee staff will be taking photos and videos during the hearing. The photos and videos will be used for social media purposes on the New South Wales Legislative Assembly's social media pages. Please inform the Committee staff if you object to having photos and videos taken. Can you please confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

BOLA OYETUNJI: Yes, we have.

The CHAIR: Do you have any questions about this information?

BOLA OYETUNJI: No, Chair.

The CHAIR: Would you like to make an opening statement, either one or both of you, to begin with, before we move to questions?

BOLA OYETUNJI: Yes, Chair. It's just a short opening statement. Thank you for the invitation to appear before this Committee. I will begin with a brief overview of the performance audit on regional road safety tabled in November 2023, which is referred to in the terms of reference for this inquiry. The audit assessed Transport for NSW's delivery of the Road Safety Action Plan 2022-26, with a focus on achieving "Towards Zero" in regional areas, "Towards Zero" being the term used for the goal of no deaths or serious injuries occurring on the road transport network by 2050. The audit concluded that, whilst Transport for NSW acknowledged there was a disproportionate amount of trauma on regional roads, successful road safety strategies had not included targeted activities to address regional road trauma, and that there was no transparency of the funding that was invested in improving road safety outcomes for regional New South Wales.

The audit recommended that Transport for NSW develop a regional implementation plan to support the Road Safety Action Plan, including an accountability framework, trend analysis, targeted countermeasures, the evolution of those measures, and transparency of funding. It also recommended greater focus on reducing the underspend in the Community Road Safety Fund and expediting the review of the Local Government Road Safety Program. While not specifically focused on regional areas, the Audit Office 2018 performance audit on mobile speed cameras may also be relevant to this inquiry.

In particular, the report includes information on how speed cameras are deployed across regional areas to address crash risks. The finding of that report noted that camera locations are accurately based on crash risks, but the limited number of available locations suitable for camera use means that road network coverage was constrained. My November 2024 performance audit on road asset management in local government also recognises the importance of road safety as a key factor in road asset management in planning and delivery. We are pleased to assist you today and answer any questions you may have. Thank you.

The CHAIR: Thank you, Mr Oyetunji. Ms Migotto?

CLAUDIA MIGOTTO: I'm not providing a statement, thank you.

The CHAIR: Thank you for your input into this inquiry. We will now move to questions from the Committee. Before we begin questions, I inform the witnesses that they may wish to take any question on notice and provide the Committee with an answer in writing. Colleagues, I open the floor to see if anyone has any questions at this time.

Mr MATT CROSS: Thank you, Auditor-General. I note on 30 November 2023 you released a final report into regional road safety and on page 8, for those following at home, you handed down a number of recommendations that by November 2024 Transport for NSW should do three things. I can read those out, but they were the three recommendations. Do you know what the status is of those recommendations for Transport for NSW?

CLAUDIA MIGOTTO: Just to briefly frame our role in terms of understanding and following up recommendations, when we deliver a report we obviously provide recommendations to the audited entity. Twelve months after that occurs, the Public Accounts Committee then has a role in following up on implementation of those recommendations. We've got a general awareness of how some of those recommendations have been implemented and some of those outcomes are reported by Transport for NSW itself in its most recent road safety report. Transport has reported that it has developed an implementation plan to support the Road Safety Action Plan.

We haven't looked at that implementation plan from an audit perspective to identify whether it addresses the key issues within the report. I also understand that Transport for NSW had implemented its review of the Local Government Road Safety Program. But I would suggest that this Committee confirm the status of that review with Transport for NSW. I did note that in Transport's most recent road safety report it did identify that there wasn't an increase in uptake amongst local councils as yet on that Local Government Road Safety Program. As a whole, we don't have visibility from an audit perspective; I'm just drawing upon publicly available information. The Committee may wish to follow up with Transport on some more of those elements.

Mr MATT CROSS: I note that as part of the process there was some information that was considered by the Auditor-General or the Audit Office that was deemed not to be made public because it was not in the public interest. Sadly I can't ask you what that is because we've determined that it is not in the public interest. I'm not sure if you can comment on this, but is it something that potentially could be made public in the future, that there will be a time when it could be in the public interest?

BOLA OYETUNJI: Not specifically for this one, but we can take it on notice to look at that and talk to our legal team and even the Crown Solicitor's Office.

The CHAIR: I just note—I think all of us agree—we need to get to zero deaths, and we need to do everything we can to get there. If there was any information that—I agree that, at the time, it may not have been in the public interest but could be in the public interest in the long-term future. If you're able to take that on notice that'd be appreciated.

BOLA OYETUNJI: I will take that on notice.

The Hon. MARK LATHAM: Thank you to the two auditors for your attendance today and your evidence. It's an issue statewide, but can I ask specifically about regional New South Wales: Is there enough roadside drug testing? Because the view statewide has been that there's a proportion of the alcohol testing, but the drug testing is underrepresented. At one point there, not long ago, there was a figure indicating that when you're out there driving one in six drivers or vehicles around you are under the influence of drugs. What are we doing in regional New South Wales to deal with what appears to be a very important road safety issue?

BOLA OYETUNJI: Whilst we've not audited our process, what I've actually noticed—I've travelled around the rural and regional areas. I was actually just recently travelling from Tumut to Cooma with the winding roads, so you don't see the drug testing, or I didn't see the drug testing on my travels. It has also to do with the size. The regional area is quite large so the resourcing to do that could be an issue. The other thing I also want to add, especially with the road safety in rural areas—and this is why you need some of those RSOs, the regional safety officers—sometimes they don't have the resources to even employ some of the staff that is required to support Transport for NSW. Some of the times, too, they also don't have the capabilities or the capacity to even apply or request from the fund, so there's a whole remit of regional areas that we could look at going forward. But in my travels in a local area, to answer your question, I've actually not seen any. But it's not an audited statement.

The Hon. MARK LATHAM: Right, but are you planning to do an audit about roadside testing by the New South Wales police? Because I would have thought, city and country, it's a critical issue to get the proportions right and to have a more intensive effort to deal with drug driving.

BOLA OYETUNJI: We currently don't have it in our program but, again, from this evidence, we can take it on as part of our environmental scan and consider it. Because again, as was earlier mentioned, the road safety and reducing death to the minimum is quite important. We will look at that, Mr Latham.

The Hon. MARK LATHAM: Thank you. If you can do that, I think it'd be a great help to the Parliament.

The CHAIR: Further to Mr Latham's point and more specifically in regional New South Wales, you reported that the Automated Enforcement Strategy offers relatively little enforcement in regional areas. Can you provide us some more details about the availability of road safety enforcement measures in regional areas? Are you finding that you are getting that level of support from local councils, Transport for NSW and adequate resourcing, or is that part of what you can take on notice and provide further to Mr Cross's question as well?

CLAUDIA MIGOTTO: Chair, if we could take that one on notice specifically. I know that we deal with that particular strategy at a fairly high level in this report, but I would be happy to take that on notice and come back to the Committee with any further detail we can provide about levels of enforcement in regional areas.

The CHAIR: Thanks, Ms Migotto. I guess from my own research and my regional—particularly Mr Butler—what challenges and barriers are you finding with obviously local councils and those local council roads as well as Transport for NSW? Overarchingly, when you look geographically at rural and regional New South Wales, resourcing is always going to be a challenge. I think that's Mr Latham's point as well. We see

a centric focus on the Sydney metropolitan area. Obviously that's population based as well. That is a reality, because obviously when you have a higher population in a concentrated area, you're going to have more road movement.

Obviously resources need to be put into place where they're required. But I think more broadly that, yes, the population socio-geographically might be far larger with the amount of people in one space. However, what doesn't change with population growth is the risk to road safety. When you look at the uniqueness of rural and regional roads, where there are long distances—people may be sitting on a 15-kilometre road in the Sydney metropolitan area for 1½ hours. One and a half hours on a regional road based on 100 kilometres per hour, you're doing 150 kays or something like that. I anticipate that you'll take that on notice as well, because that's the higher kind of broad level, if we can find—particularly from the 2023 performance audit.

BOLA OYETUNJI: Yes, we can. But also to add, if you look at, again, the inquiry by this Chamber on the ability for local government to fund infrastructure and services, you will see that it is a general issue about funding for local government. It's a general issue where you have declining populations and the geographical size of the environment as you maintain some of those roads to the right service level to reduce some of this risk. But, yes, we'll take it on notice but also link to the ability to fund services inquiry that was already done here.

CLAUDIA MIGOTTO: Chair, I think that your comments broadly go to the thrust of the conclusion of the report, which is that in regional areas there are very different contributing factors in some cases to road fatalities. In both regional and metro, speed is the overriding factor, but things like vehicle safety measures, the distances, average or allowable speed limits, road conditions and so on all have an impact on the increased fatalities in regional areas. This is why the report recommends that Transport disaggregate that data to a granular level in regional areas, and not just regional versus metro, but subregional.

Because, as we reported in this report, there are concentrations of risks in particular areas of New South Wales—for example, in northern New South Wales. Local roads comprise 80 per cent of the network, so they are the roads that fall within local councils to deal with, so local councils will obviously need to be a key strategic partner for Transport for NSW, which has the legislative responsibility for road safety at a network level. That's why we made that recommendation that Transport do more to engage through the Local Government Road Safety Program with councils.

Mr ROY BUTLER: Thank you both for coming in today. I appreciate your time. I guess I'm interested in who is having accidents on regional roads, who are the drivers of these vehicles and any other rich data you've got around vehicle type, time of day, age of drivers and trip length, as a way of trying to narrow down where the intervention should be targeted. Because I know from previous inquiries and previous data that a lot of the people that get into strife on regional roads aren't actually from regional New South Wales, so I'm just wondering if you've got any information about that.

CLAUDIA MIGOTTO: Just a few high levels from our report: The majority of road deaths that occur on regional roads do involve regional residents. In terms of disaggregating to types of population, I don't think we have that level of detail in that report. The Centre for Road Safety would be, obviously, a really good resource within Transport for NSW for this Committee to understand some of those more granular data elements. One of the key things that I would pull out, perhaps, to draw a distinction between regional road fatalities and metropolitan, is that within metropolitan areas, pedestrians are the primary source of deaths in road accidents, whereas in regional areas it's motor vehicle drivers. That just highlights the need to have not just a statewide perspective on road fatalities but to disaggregate that information down to the regional level.

The Hon. ANTHONY D'ADAM: Can I ask about whether there's a dataset or whether there was any analysis conducted in terms of actual average time on the road? Obviously in regional areas people are driving much longer distances and so the time in the car is potentially longer—so, in terms of actual driving time, whether the statistics look differently if you apply that frame compared to the per 100,000 of population.

CLAUDIA MIGOTTO: They do, in that fatigue—in Greater Sydney, fatigue, which I think is perhaps what you're going to in terms of distances. I don't actually have—

The Hon. ANTHONY D'ADAM: No, I'm trying to—obviously if you live in a regional area you spend more time in the car. So in terms of fatalities per hour of driving time, does that create a difference of perspective? In the metropolitan area we spend less time in the car travelling shorter distances, so we're in the car for fewer hours, so our exposure is less than in regional areas where you're in the car for a longer period of time.

CLAUDIA MIGOTTO: If I could maybe just outline what we did disaggregate the data to, for the purpose of our report.

The Hon. ANTHONY D'ADAM: Is there a dataset like that? Do we measure, say, the odometer readings for cars involved in fatalities? I'm not sure what kind of data is available. Is there a dataset that enables that type of analysis?

CLAUDIA MIGOTTO: I think there is. We haven't reported to that level in this report, but we'd happily take that on notice to give you that information. We do report fatigue, which is a distance-related measure, and obviously is more impactful in regional areas. For example, 5 per cent of road fatalities in Greater Sydney have fatigue as a contributing cause, whereas 16 per cent of road fatalities in regional areas have fatigue as the main contributing cause.

The Hon. ANTHONY D'ADAM: I wanted to ask also about the unusually high level of fatalities from motorcycle riders in northern region. They're substantially higher. I just wonder whether you had some insight into why that was the case. I'm looking at the table on page 21 of the report. North is at 23 per cent, whereas south is 13 per cent, west is 13 per cent, all regional areas are 18 per cent, and it's 18 per cent for Sydney. It sort of stands out. It's an outlier, and I wonder whether this—

CLAUDIA MIGOTTO: Sorry, what page of the report were you referring to?

The Hon. ANTHONY D'ADAM: Page 21.

CLAUDIA MIGOTTO: And motorcycle riders in—sorry, you're looking at fatalities.

The Hon. ANTHONY D'ADAM: Fatalities. You've got 23 per cent of fatalities in the north are motorcycle riders, compared to 13 per cent in the south and 13 per cent in the west.

CLAUDIA MIGOTTO: Whereas for serious injuries it's a little bit more stable across the regions. Because road fatalities over the whole population are small numbers, you can get some noisy figures. If you have a few extra fatalities in a particular region, that can influence the result as a percentage. I would just note that. The report doesn't provide any context for why motorcycle drivers might be more at risk in the northern region, but it does overall note that there is a concentration of road fatalities and injuries in the northern region of New South Wales, and that Transport for NSW should do some more work to understand what are the drivers in different regional areas within New South Wales.

BOLA OYETUNJI: If I can just quickly add from, again, my travel experience, because I've been travelling around a bit, one of the things that you see—and this I would also look at in the road asset management—in local areas where there is a lot of gravel. That, again, for motorcycles can—especially when it's raining, that is a high risk that you will always have there. Then to your earlier point about the time in the car, again, I think I was driving from one location to another—I can't remember where—and I was looking for a place to rest and buy a coffee. And, again, there's the size of the road. What the solutions are for that, I don't know, but again, you're right in the sense that the extent of the geographical location of this size could be a risk. You spend too much time in the car, and that could also lead to it. And the data—the information; I think we mentioned that before—and the analysis of the data can be helpful to start finding solutions and to improve that.

The Hon. ANTHONY D'ADAM: It obviously draws you to the question of fatigue, but it may not be a fatigue issue. If you live in Gunnedah and you work in Tamworth, you're driving back and forward, you're driving quite a long distance.

CLAUDIA MIGOTTO: I think it's logical, what you say, that the longer that you're exposed to a risk—obviously driving up to Woolies in your local suburb is a far shorter exposure to the risk of road fatality than driving long distances—so there is certainly an inherent logic in what you're saying. Whether we can disaggregate that data to time on road contributing to vehicle fatalities, I think that's something that the Centre for Road Safety can assist with, but we will certainly take that away and have a look at it.

Mr EDMOND ATALLA: Thank you both for attending today. In relation to the '23 performance report, are there any recommendations that you are aware of that are at risk of not being addressed?

BOLA OYETUNJI: I will say the at-risk one I could see is where—there's a good cooperation between Transport for NSW and local government, but when it comes to funding, where there's the expectation for contribution by local government, that could be difficult. Or there could be a different way to look at this in a proactive way, where it's looking at where the high-risk areas are, and if you also have local councils that are not able to put in the right submission for funding, where that could be another way to look at that. I think in our report we mentioned that only 52 per cent of local councils have taken up that relationship with Transport for NSW for road safety. That, without the appropriate funding for local government, could be what's at risk.

CLAUDIA MIGOTTO: I think the report also calls out a risk related to expenditure from the Community Road Safety Fund, noting that's a fund established to use revenue from enforcement to reinvest that

back into road safety measures. At the time of this report, the fund was underspent. We made several recommendations around ensuring that the risks to underspending that fund were addressed. I think the status of that recommendation may be a good thing for the Committee to follow up on, as well.

Mr WARREN KIRBY: Thank you for joining us this morning. In the performance audit, you noted that the road safety targets are based on raw numbers and do not consider factors such as population density, mobility and vehicle ownership. What are the risks in that approach?

CLAUDIA MIGOTTO: I'm not sure I understand your question in terms of the road safety targets. What the report comments on is that there's a statewide network target. There's potential that that target could be met in some areas. For example, you could meet serious injury reduction targets in metropolitan Sydney, or reduce them significantly and influence the achievement of the whole network target without necessarily making a difference in regional New South Wales on that.

The underlying issue that's drawn out in that report is that while road deaths steadily decreased from 2012, the proportion of deaths as a proportion of the population that are occurring in regional areas has largely remained the same for that period. What the report calls out is that there's an issue with a high-level blanket target that operates across New South Wales of a 50 per cent reduction, because it won't give you sufficient granularity to see whether you're actually having an impact in particular areas of New South Wales and also an impact in particular types of road fatality and road injury. I hope that answers your question. If there's anything else that I can assist with, I'd be happy to.

Mr WARREN KIRBY: I'll go into another area. You stated this morning, and it's through the report, that speeding is far and away the major—

CLAUDIA MIGOTTO: Yes.

Mr WARREN KIRBY: How do you come to that conclusion, especially when you don't have data on how long people are spending in time? Most other jurisdictions around the world have driver fatigue and poor road conditions as being the major contributing factors, particularly in rural and regional areas where there are very long stretches of road, in places like northern New South Wales, which are more attractive for motorcycle riders because of the conditions of the roads in those areas. If you're not collecting that data or assessing that data, how can you be so confident that speed is such a major contributor?

CLAUDIA MIGOTTO: We don't collect or assess road safety data as a standard practice at the Audit Office of New South Wales. What this report does is assess Transport for NSW against its own strategy and objectives to reduce speeding on roads. We access and use Transport for NSW data and information to look at that. What that data and information tells us—and that uses both matched data, in terms of direct matching of road incidents to causality, and unmatched data, which is a broader dataset—is that speed is the predominant cause of road fatality across all areas of New South Wales. That's not our data that we're necessarily owning and disaggregating in that way. But within all regional areas, speed is the cause of 43 per cent of fatalities, followed by fatigue at 21 per cent, followed by illicit drugs at 24 per cent and alcohol at 20 per cent. That data is reported in this report but, again, it is the analysis of Transport for NSW data for the purpose of assessing how well they are achieving their own road safety objectives.

Mr MATT CROSS: Just keeping on that theme—because it is a really important point—I note exhibit 16 in the report looks at 17 completed evaluations by Transport for NSW since 2013. I note that only six provide an assessment as to the impact of the incentives on road trauma. Of that 17, only two were the impact of road trauma in regional New South Wales. How important is it to make sure that road trauma is part of any future evaluation?

CLAUDIA MIGOTTO: I think it's very important because what the report says is that while Transport for NSW had conducted individual, perhaps somewhat unrelated evaluations of specific road safety initiatives—for example, 40 kilometres per hour speed zones—what they are not necessarily doing, as is called out in the report, is that there is no systemic, integrated analysis of how all of those initiatives together are helping Transport for NSW to achieve its objectives in its road strategies. It's very important. As you can see from that exhibit, there are some gaps in terms of the measurement of road trauma and regional road trauma across those evaluations.

Mr MATT CROSS: Thank you for your answer, because I think that could be something the Committee could look at as potentially being one of the recommendations for future reporting, to make sure that road trauma impact is measured.

The CHAIR: Further to Ms Migotto's point, obviously they're auditing other people's data, from Transport for NSW, the Centre for Road Safety and others, and bringing that together. I think you did a fantastic

job. Mr Oyetunji and Ms Migotto, thank you so much for taking the time to come in and for your valued contribution. This is a very important inquiry, and your contribution as part of our inquiry is invaluable. Both of you will each be provided with a copy of the transcript of today's proceedings for any corrections that you may have. The Committee staff will also email any questions taken on notice from today, and any supplementary questions from the Committee. We kindly ask that you return these answers within seven days of receiving those questions.

(The witnesses withdrew.)

(Short adjournment)

Mr DAVID TYNAN, Secretary, Survive the Ride Association of NSW, affirmed and examined

Mr JOHN ELLIOTT, Head of Program Delivery (Australia) and Group Data, Road Safety Education Limited, affirmed and examined

Ms BROOKE O'DONNELL, General Manager, Education and Communications, Road Safety Education Limited, affirmed and examined

Mr MICHAEL FITZGIBBINS, Chief Executive Officer, Road Sense Australia, before the Committee via videoconference, affirmed and examined

The CHAIR: Thank you all for coming before the Committee today to give evidence. Please note that the Committee staff will be taking photos and videos during this hearing. The photos and videos will be used for social media purposes on the New South Wales Legislative Assembly's social media pages. Please inform the Committee staff if you object to having photos and videos taken of you and published. Can you please confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

DAVID TYNAN: Yes.

JOHN ELLIOTT: Yes.

BROOKE O'DONNELL: Yes.

MICHAEL FITZGIBBINS: Yes, I have.

The CHAIR: Do you have any questions about the information?

BROOKE O'DONNELL: No.

JOHN ELLIOTT: Not at this point.

DAVID TYNAN: No.

MICHAEL FITZGIBBINS: No.

The CHAIR: Would any or all of you like to make a brief opening statement?

JOHN ELLIOTT: Yes, and I'll try to be super brief. Road Safety Education, which is the provider of the State's and nation's largest road safety education program, is particularly excited to participate in this as we see it as a wonderful step forward in exploring the ways in which preventative measures can be used to address road trauma, especially in regional New South Wales where there is a high level of over-representation, especially among young road users, and we're very much looking forward to discussing the role, particularly of education—best practice education—in those preventative measures.

DAVID TYNAN: I just want to say thanks for the opportunity to be able to put in a submission and to give any evidence and answers to any questions you may have.

The CHAIR: Thanks very much. Mr Fitzgibbins?

MICHAEL FITZGIBBINS: I just want to thank the Committee as well for putting this together and having us here today. Unfortunately, I am in Europe at the moment, so I couldn't attend in person. But I'm very much looking forward to what comes out of this. Again, we also work with about 70,000 New South Wales drivers every year, taking them through education programs, particularly from regional and remote areas, so this is something that's pretty close to our heart as well and we thank you for putting this together.

The CHAIR: Before I open up to questions, obviously a primary focus for all of you is education in road safety and having a premeditative approach. The best cure is making sure it doesn't exist in the first place. What is your view in terms of what programs are in place and how they are directly and specifically targeted at rural and regional New South Wales? Do you think it is adequate at this time and, if it's not adequate, what do you think are the areas that can be improved and by whom?

That is to any one of you, or all of you.

BROOKE O'DONNELL: I think what's been proven in the evidence—we work in a youth space, so I'll talk from that point of view—is that resilience-based, evidence-focused education, so building strong habits and building resilience skills in young people to be able to speak up if they don't feel safe, to be able to make good choices, to be able to read the road around them and to play a part in the safe system. We believe the safe system is obviously an incredibly important factor in road safety. What we say about that is the safe system helps protect us from our mistakes; education can help us make fewer of them. I don't think there is adequate reach in good quality best practice education, particularly for regional areas. A lot of what is out there for youth will be more an awareness base. It's not based on evidence and it's not resilience based. It's not building those cognitive skills. It's giving information, telling them what they should and shouldn't do, but that's not going to change their habits and stick with them, so I do believe there needs to be more of that. With what we do, we can reach a wide audience, but we need more funding and support to do that.

The CHAIR: Just before I elaborate further on my question, you can take questions on notice and provide them in writing if you're not sure or you need to go and follow something up. That's perfectly okay as well. When you say "reach" do you mean the modes of media platform—that is, through social media, paper media, TV media, radio media? Is there any platform of media that you think needs to be done better? You mentioned funding before. Is it a monetary barrier or is it a barrier of who you're trying to communicate with—particularly given the remoteness of areas of rural and regional New South Wales—their capacity to access that information and education?

BROOKE O'DONNELL: I think they can get to a lot of the information that's online, but I think face to face is really important and working within their peer groups is really important, because they're making those decisions with their peers. In that high school kind of age group, we've got that last fleeting moment where they're all together. They kind of need to come up with these strategies together and make a pact together to do them. Too much in-silo type learning, I don't think that's enough for them. I think that face-to-face group resilience-based learning is important.

The CHAIR: I guess I draw the variance between the Sydney metropolitan area—I mean, ultimately, east of the great divide and west of the great divide, and the further you go west of the great divide. My colleague Mr Butler lives this every day and he'll be able to elaborate further because he lives there. I'm originally from Central West New South Wales. I left there late '80s, early '90s. Even then there was a barrier between collecting information and understanding it and, I would presume, particularly in some of the more challenged areas, with coverage. In the absence of adequate information, confusion will prevail. In the absence of communication, confusion will prevail. Getting that message out is so important. To your point, funding, if we had even more of a bucket of money, which I think all of us could always hope for to provide, it's about access to that information, and when they do access that information, how are they doing it and is it being effective.

BROOKE O'DONNELL: Is it efficient and effective.

The CHAIR: That's more of a statement, which elaborates further to your point, so I understand what you're saying and thank you.

JOHN ELLIOTT: Just elaborating on that, where we do operate in regional centres, the vast majority of schools participate. The road safety education program that we provide is called Ryda. In Bega, every school in Bega attends Ryda; in Eurobodalla, every school attends; in Bathurst, nearly every school; in Orange, nearly every school. So the participation rates and the demand from those communities is really strong. However, our funding model is such that we rely heavily on the availability of local volunteers to help push those along. In communities where that isn't available, we haven't been able to service those communities. If we had more funding, we could get to those communities and supplement the wonderful work that our volunteers from Rotary and other organisations provide in reaching those communities. It's very much a supply limitation rather than a demand from school communities.

DAVID TYNAN: The same sort of thing goes with the motorcycle riders as well. There are many areas still in New South Wales where you don't need to do a learners or provisional licence course. However, a lot of those people who don't need to do a course, they still know how to ride. They're mechanical and their machine operation skills are good because they've been riding since they were kids on farms, and that sort of thing. But

their decision-making skills in terms of reading the road develop based on what their parents and friends have taught them, so they're still making lots of those mistakes.

The interesting thing is if those people are in the mindset that they want to actually find out about stuff, they have the web to look at, but they still require and ask for lots of face-to-face work because driving a car and riding a motorbike is not just something you can learn from a book. You need coaching. You can do the basics quite easily, but you need coaching to be able to be aware of the issues that are out there on the road. Most people don't see the issues; they just drive and ride straight past the situations where they almost had a crash, and they're just blissfully unaware. It's that coaching of risk awareness and hazard awareness which is required.

Mr ROY BUTLER: In terms of quantum funds, you talked about going to schools in Orange and Bathurst. My electorate is 44.5 per cent of the land mass of New South Wales. It takes in places like Broken Hill, Bourke, Walgett, Coonabarabran, Coonamble and 150-odd communities and localities, where there's over 100 schools and preschools. What's the quantum of funding that's required for you to do more work in smaller regional communities?

JOHN ELLIOTT: One of the things that we're blessed with is the combination of funds from various sources. We have some limited funding from Transport for NSW. We have our corporate partners, who provide back-of-house funding. We work on two things—the cost per workshop or the cost per student—and the further we're sending our teams out, the greater those costs tend to be. In Queensland, for instance, where we get more significant funding from TMR, the cost can be quite significant going out to places like Weipa, Mount Isa and those sorts of isolated communities. But it would cost around about \$5,000 to \$10,000 to run a workshop or a series of workshops in Broken Hill or that sort of thing. On a cost per student, we'd probably be talking around the \$75 mark per student.

BROOKE O'DONNELL: We try to set them up so that once we've been in and trained, we can draw on local talent to come back year after year and kind of take the program over. The initial one is in that setting up and training—and we'll always be there—but if we can get some more local people on board, that can cut some costs as well and also include the local voice.

JOHN ELLIOTT: That includes local police officers, crash survivors and driving instructors—those people that are part of that road community as well.

Mr ROY BUTLER: It sounds like you can set up something that becomes its own self-generating sort of group within a community to carry on that education without having to have the expense of travelling out there as much.

BROOKE O'DONNELL: Yes.

JOHN ELLIOTT: Yes.

Mr ROY BUTLER: Just in terms of effectiveness, can you share any data on how effective the road safety campaigns or education that you've been running are in reducing trauma?

JOHN ELLIOTT: The direct link between education and trauma reduction is sometimes difficult to quantify because it's impacted by a lot of things between when people are educated—whether they're 16 or 17 and the next eight years of their lives. But if we look at a statewide level, a good example to use would be in Tasmania, where the vast majority of students are funded to participate—about 80 per cent of young people participate in our program. Before our program existed, Tasmania had the highest rate of youth road fatalities proportional to their population and their youth make-up.

Now they have the lowest level of youth road fatalities, and you look at everything else—the cars are safer everywhere across Australia, the roads are similarly invested—the big difference in Tasmania is the prevalence, the depth and participation rate in Ryda, and we can see that in local communities. In Orange, where nearly every student participates in Ryda, they have a lower level not just of youth road fatalities and serious injuries but also lower levels compared with other communities of young people losing their licences through demerit points and things like that, which is often a precursor to decisions leading to road trauma but also has its own impacts on access to employment and education and other opportunities, especially in regional New South Wales.

Mr ROY BUTLER: Have you seen a similar corresponding drop in the penalties in Tasmania where 80 per cent of students have been undertaking the training?

JOHN ELLIOTT: New South Wales has fantastic data on this, but I haven't seen that data on penalties for Tasmania.

MICHAEL FITZGIBBINS: Can I jump in and reiterate what was just said there about some data being available in New South Wales and not available in other States? I think that's one of the key problems that many of us in this environment are facing, that a lot of government departments are not providing the information that we need in order to facilitate the correct types of programs for the right people in the right locations. I think one of the things that I said in my submission was that the Office of Road Safety in the New South Wales centre is making things much easier, but one of the problems that we face constantly is that we struggle to get the correct, up-to-date data that's just not being released.

The CHAIR: For the Committee's indulgence, when you say the data is not being released, can you be more specific, Mr Fitzgibbins? I know that there's road safety data released quite frequently. Which specific data are you talking about? Is it in relation to the corresponding data further to Mr Butler's question between Tasmania, New South Wales and other jurisdictions, or are you speaking generally? Or is there specific data that you're referring to that needs to be released but is currently not?

MICHAEL FITZGIBBINS: As an example, one of the important pieces of data that we miss—I think we all know the Safer Drivers Course is pretty prominently used in New South Wales. I think I read recently that 35 per cent of youth take up that program. Now, those of us that run education programs that compete with or are an extension of the Safer Drivers Course—what would be relevant and really beneficial for us is to not only get the number of participants doing that program, but the outcomes post-program, even as a three-, five- or seven-year follow-up. We might be able to see that a certain person or a certain number of people have done a course, but we don't know that that course is meeting its outcomes, so we don't know whether or not we can work to improve that program.

I think we'll see as road fatality rates in New South Wales are increasing these programs are not working, but something as simple as that would be easy for governments to share: numbers of people doing courses like the Safer Drivers Course. I'm using this as an example just because we're talking about youth. Then, those outcomes are, "Are they being met? What is happening three or five or seven years post-program for those young drivers? Do we need to be tackling the core issues here in another way?" I have several examples of other things that are suitable, but I think in this situation that is the perfect example because that aligns well with what we're talking about here.

The CHAIR: You mentioned the figure of 35 per cent uptake. Is that the uptake of education programs of young people under a certain age, or generally speaking? I'm just saying—if you've got data from somewhere, you've got that 35 per cent figure. Where do you get that data from?

Are you talking more about the outcomes achieved variably between those who have uptake in that education program compared to those who haven't, or what specifically—

MICHAEL FITZGIBBINS: Correct, yes. The tender was released recently for approved providers for the Safer Drivers Course. Our organisation looked at taking that on and that information was in there. I don't have it to hand, but I believe it was 35 per cent of eligible drivers, so those under 25 take up or take part in the Safer Drivers Course. That is where that figure has come from. You asked a second part of the question and I didn't quite catch what it was. Something about a review?

The CHAIR: The what, sorry?

MICHAEL FITZGIBBINS: You had a two-part question for me. It was about where am I getting that data, about the 35 per cent, and then you had a second part of that question.

The CHAIR: Yes. The first part was where are you catching that data from. You answered the second part, which was, are you referring to the outcomes of that training. And where further attention is needed, I think you covered it off.

MICHAEL FITZGIBBINS: Just to clarify, just a little point there: For us, when we put our participants through our education program—my organisation is one of the key facilitators for the Traffic Offender Intervention Program. One of the questions we ask our participants is, "Did you participate in the Safer Drivers Course?" The number of participants that actually answer that as "yes" I think indicates that particular program is not meeting its requirements.

The CHAIR: Understood.

The Hon. NATALIE WARD: Thank you to all of you for your submissions and taking the time to come along to the Committee today, and also for the ongoing important work that you do, which we are very appreciative of. On the question about funding, I think we are all in agreement that more funding would, of course, reduce the road toll and would assist you in what you're doing. I think that's a starting point. I quite liked your comments, and I agree, Mr Tynan, about how you're only as good as your coach. Bill Belichick from the

New England Patriots comes to mind—one of my favourites. You're only as good as the teacher that teaches you to drive.

But I think you reflected—and anyone is most welcome to comment—on the import of peers. You can have the great teacher and learn all these good things but then fall into bad habits because of peers and your experience. At what point do you think that could be addressed in your education programs? As much as I love and adore my teenagers, I'm not sure that they're listening to me when they're in the car with their peers. Visual reminders such as those floral tributes on the sides of roads, the presence of police, some of the things you've touched on—are there some other areas you think could influence that peer level once they've got their licence and they're out there, the ongoing education? Do you have thoughts on how you could assist with that?

BROOKE O'DONNELL: Yes, the peer group is the really important thing. That's why that resilience training is so important, to just get that skill base in and working with their peer groups. Within our program, we're actually developing a peer program that runs through the school. It's why the whole-school approach is really important to education. It doesn't just stop with the student; it should be through the policy of the school. It should be talking to the parents as well. We have also developed a parental workshop where they can come along and we can say, "This is how you can support them. These are the sorts of things you need to include in your learning, and once they're on their Ps and going solo, this is how you stay plugged in." I think it really is important. It takes a village to wrap them and create those strong kind of foundations for that peer group as they grow and their peer groups change and their priorities change. Yes, the whole-school approach is a definite way to do that while they're in that age group.

The Hon. NATALIE WARD: I'll ask you to address it, but what about after that point? We kind of think, as parents, "Well, they've got their Ps; now off they go." It seems to me it's that ongoing education. Almost, they get a little confident, if you like, in their driving, and think they're on their Ps. What is the opportunity at the later point? The school environment's great, but when they're young adults and full of bravado—as they should be as young adults in the world—how do we address it at that point?

DAVID TYNAN: I know, over the years, they've tried various approaches through sporting clubs to try to have the leadership-type model used. In the motorcycle world, a lot of people will ride in groups, and they'll attract new members. For some of those groups, the purpose of the group is to have fun, so they don't really offer a great deal of leadership in terms of road safety. A lot of the groups, though, want to keep the groups and grow the groups. There are opportunities there for individuals to be the leaders of opinion in the groups. That can have a pretty big influence on all age groups, because a lot of people who are getting into motorcycling—and I believe into driving—are looking for someone to tell them how to do it better. They won't necessarily say it, but that's what they're looking for. If you can tap into that motivation, I suspect that will prove useful. That's the sort of thing we try to do when we do our workshops.

JOHN ELLIOTT: Just building on what Brooke said as well, when students attend Ryda, they're attending with their whole year group, or the vast majority of their year group. What that also does is it creates that positive normative behaviour amongst those peers. We get lots of feedback from students who, potentially a month later, will write and say, "We were at a party and we noticed somebody was tired or maybe had been drinking. We remembered, and our culture within that community now is to be safer on the road, to make those safer decisions." Rather than encouraging risk-taking behaviour, they're encouraging road safety behaviour. But it starts with that peer-to-peer learning, and learning as part of those communities within the school.

The Hon. NATALIE WARD: I'm not the expert; you guys are the experts on this. Tell me if I'm wrong—Mr Fitzgibbins, if you want to comment online—but it seems to me that there's also that peer pressure angle, post-school, that is the next danger zone. We test our elderly drivers very regularly, and they're the most experienced drivers, and they're probably slower. At that testing stage, once you're off your Ps and you're on a full licence—it seems to me it's anecdotal experience—but then there's pressure on that driver because they're not on their Ps and their friends are, so you're the designated driver because you can now have a drink and drive.

Particularly in the regions, I would have thought, where there's distance and, rightly, you're out at the pub or wherever celebrating, it's on that one person. Is that a part of the education campaign to try to take that pressure off? There have been ads around adults in pubs saying, "Hey, leave the keys here." There's obviously other opportunities to get an Uber or something else which is not necessarily available in the regions. How can we counter that? If you're telling me that's beyond what your remit is, let me know, but what are your thoughts on that? It seems to me that danger zone is once we've got them through school and their Ps: You're on your own now. They're flying solo and it's dangerous.

BROOKE O'DONNELL: But I think we need to give them the things around them that will support them in their good decisions, too. If there are parties and stuff going on, or unis that are a long way away that they're going to be driving fatigued to, we're not setting them up to be able to put their good decisions in place.

We're helping them come up with, "This is the choice you should make," and then they've got this conflict because they feel that there's no other option. I think, as much as we can around events that are set up in regional areas and all the rest of it, we need to make the good choice easier to make for them as well.

MICHAEL FITZGIBBINS: Can I just jump in there? Firstly, I absolutely agree with everything that has been said here by the other panellists, but there was a comment that was made just a few moments ago about parents teaching bad habits. I just want to comment on that for a second. I think one of the things that we're looking at doing is creating a training course for parents or adults in a young person's life, to take them back through the learning-to-drive process again and put them through a course themselves so that they are building the right habits to be teaching their young person. I'm picking up from comments here that we all agree that helping a young person through this stage of their life is a collaboration. It takes a village. I think that parents and schools and their peers are the key focus here that we should be tackling.

Young drivers love the idea of driving; they don't love the idea of driving safe. I know that's a generalisation, but marketing a program or an education course to a young driver is very difficult because they don't see that as relevant to them or they have a "it's not going to happen to me" mentality. It's important that we collaborate with parents and teachers and even sports clubs, as was mentioned before, to make sure that we're tackling the issue of road safety from all of those perspectives and not just trying to tackle the young person separately, because that will be a difficult thing to achieve.

The CHAIR: Further to your point when you said that young people don't want to drive safe, I think it's very much about a matter of consequence. I had a meeting a couple of weeks ago with a stakeholder who made this point that I totally agree with. If you travel on the M1 from Hornsby to Newcastle at the speed limit of 110 kilometres per hour, you'll get there in relatively short time. If you do 125 kilometres per hour, you will get there five minutes faster. However, that extra 15 kilometres per hour of speeding exposes you to a risk of an accident of more than 100 per cent. It increases your probable infringement of the speed limit by nearly 200 per cent.

So I am not just the chair of a road safety committee; I also have two sons. I would say to them, "Ask yourself this: Is that five minutes worth increasing the chance for your loss of life by 100 per cent, and you possibly getting fined \$1,000 or losing your licence?" Is that comparative risk a worthy investment for that five minutes? That's just a statement really. That is a very clear message. A lot of young people today value their life, their friends and having fun. They're also short of money and can't afford those bills, so I think it's very much about touching that nerve, which you guys are more aware of than I, but I just thought I'd make that point.

BROOKE O'DONNELL: It's a hard message to sell to a young person, because they don't believe that those long-term consequences are going to hit them. A lot of the evidence push towards education through short-term, tangible consequences, because that is something that they believe could happen. "Mum and dad will catch you and you'll lose the car" is a bigger motivator to change than "You could die," because they don't believe that's going to happen.

The CHAIR: I was in a meeting with Mr D'Adam and I touched on this point as well. If I can open up the floor, particularly to those around my age: What is the one advertising campaign that you can remember most? That's an open question.

The Hon. NATALIE WARD: I'll comment and answer. I think it's the most traumatic demonstration of people in the car with the other car coming towards them; it's the in-your-face, absolute demonstration that it can happen to you and what those milliseconds mean.

The CHAIR: I think so too. Outside of that, and I'm talking more broadly, do you remember the grim reaper ads in the mid- to late-'80s? It was absolutely horrifying and deeply offensive to a lot of people at that time. It was frightening. I think it touched on the two most responded to human emotions, which is love and fear.

DAVID TYNAN: Yes. The unfortunate things with adverts and campaigns that frighten is they'll only get people who respond to that type of emotion, and that's a relatively small number of people. If you're looking for sustained change, you need to have messages that focus on positive outcomes and consequences, in both the short term and the long term. To get a discrete, short little message out which cuts straight to the core of an issue is very difficult to do. That requires a lot of research into the motivations for people of why they put their foot down and why do they roll on the throttle. You need to be able to plant a seed so that when they're making that decision, they hold off for a couple of seconds.

The CHAIR: What is so urgent about that extra five minutes? What are you going to do with that five minutes?

DAVID TYNAN: Yes. You've got to make them delay just a couple of seconds so they're reconsidering that decision.

JOHN ELLIOTT: Super briefly: one of the sessions within the Ryda program encourages people to explore alternatives, say, when they're running late, because that is often the reason why people might be tempted to speed is they're running late for any sort of appointment. Even just understanding the better course of action is to stop, call ahead before you drive—because young people aren't allowed to call while they're driving—and actually let them know that they're running late. It diffuses that stress behind running late for an appointment and then gives them more power to go, no, I can take my time and everything.

The Hon. ANTHONY D'ADAM: I want to ask about the Traffic Offender Intervention Program. I wasn't aware of this program until I read this submission. Is Road Sense Australia the only provider of a program like this or are there other providers?

MICHAEL FITZGIBBINS: We have been a provider for 11 years, since 2014. The program itself was developed, I believe, in the early 2000s. At the moment there are seven or eight different providers, as far as I'm aware. It's facilitated by the DCJ and the RMS, so there are two versions of the program. One is called the Traffic Offender Intervention Program, which is a court referral program. It is supposed to be a pre-sentencing program. The other version is the Driver Education Course, which is run through the RMS, and that is for loss of demerit points over five years. We put about 14,000 people a year through that course. The numbers—and again this is one of the problems with—

The Hon. ANTHONY D'ADAM: It's funded through DCJ, is it?

MICHAEL FITZGIBBINS: Yes, it is. One of the other problems that we face is that we don't know how many people in New South Wales do the course because the Government doesn't release that data. All we know is we put through 14,000 people. They've told us we're the largest provider, but we don't know what that looks like.

The Hon. ANTHONY D'ADAM: Do you have an exclusive contract for particular areas? How does someone end up with you and not another provider?

MICHAEL FITZGIBBINS: It is just a matter of choice who they go for. Part of our application and accreditation process is we let the DCJ know where we would like to facilitate the course. We have 27, I think, locations across New South Wales, both regional and within metropolitan Sydney. We make an application to the department to be accredited, say, in Broken Hill, and we can run that course in Broken Hill for a period of three years and then we must reapply.

The Hon. ANTHONY D'ADAM: This course, it's not just directed at youth or young drivers. It's any traffic offenders, is it?

MICHAEL FITZGIBBINS: Yes. Any offender that's coming through the criminal justice system. Probably 60 per cent of our participants are court referred. I'm going to refer to them as a "lower level offender", so usually first time offences, predominantly low-range drink driving. There are other programs available for high-range and mid-range drink driving and more serious offences, so this is just low level offenders.

The Hon. ANTHONY D'ADAM: Is it generally a referral as a condition to avoid licence suspension or in conjunction with a reduction in the period of licence suspension? What's the nature of this referral?

MICHAEL FITZGIBBINS: The intended outcome for the participant is usually a section 10, which is a dismissal of the offences. It is up to the magistrate. We don't make that decision for them. We report back to the magistrates how the participant completed the program, and their behaviour throughout and what they've learned. But, yes, in most situations it is trying to either lift a suspension or an habitual offender application. But in reference to the Driver Education Course and the RMS referrals, they are suspended. It is usually a six-month suspension that most of them are going through because they've lost their demerit points twice within five years. They come through, sit their suspension and then have to do the course as well.

The Hon. ANTHONY D'ADAM: Basically, the only people who end up in this program are people who have done something serious requiring potential licence suspension.

MICHAEL FITZGIBBINS: Correct.

The Hon. ANTHONY D'ADAM: It's not someone who might have a succession of speeding offences that tips them over the demerit-point threshold and they're facing licence suspension. Do you get those kinds of individuals referred through to this program?

MICHAEL FITZGIBBINS: We do, yes. In the situation you're talking about, in New South Wales, as I'm sure you're aware, you lose your licence and all your demerit points. Then, once you get them back, if you lose them again within five years, you're referred to our course. It might be a speeding fine here and a red-light camera here, but it is a series of offences over a five-year period that lose you your demerit points twice. That is one referral source, directly through the RMS. The other referral source is the courts—people who are going to a court appearance or who have been to a court appearance.

The Hon. ANTHONY D'ADAM: In the circumstance where, say, someone has a first offence in terms of a speeding infringement and they elect court and take a section 10, they're unlikely to get referred to this program?

MICHAEL FITZGIBBINS: If they are taking a section 10, I would say that in most circumstances the magistrate would ask them to do the course as well, as a condition of that section 10. That might be a bit of an over-generalisation but, in most cases, that's pretty much what we see. They are referred to the course as part of their section 10.

The Hon. ANTHONY D'ADAM: There has been no program evaluation, as far as you're aware.

MICHAEL FITZGIBBINS: In the 11 years that I've been running the course, it was evaluated once, about seven or eight years ago, I believe. We came to the department about three years ago and said that it was time for a review. We said, "We've got 70,000 participants over that period that we've got this data for. It's time to do some sort of follow-up." Just last week the Centre for Accident Research and Road Safety approached us to let us know that they are reviewing the course and all providers on behalf of the department. That has just started.

The Hon. ANTHONY D'ADAM: The curriculum is developed by whom?

MICHAEL FITZGIBBINS: By us. We work in conjunction with the department to develop the curriculum. They set out a minimum standard for what they want presented as part of the material. It is approximately two or three hours of content, and we stretch that out to make it about nine or 10 hours worth of content.

The Hon. ANTHONY D'ADAM: How much does the course cost?

MICHAEL FITZGIBBINS: Around \$175. We're all about the same cost.

The Hon. ANTHONY D'ADAM: Does the participant have to pay for the course cost, or is that covered by the grant funding from DCJ?

MICHAEL FITZGIBBINS: Every participant pays for service, but we do have fee waiver applications for low-income earners.

The Hon. ANTHONY D'ADAM: Do you have a higher than average intake of Indigenous participants?

MICHAEL FITZGIBBINS: Yes. This is one of the things that I put in my submission. The submission that I put through looked at 2024 data only. In regional areas, about 13 per cent of our participants are from First Nations. I believe that it is only about 3 per cent of Australians who are First Nations people so, yes, there is an over-representation there as well.

The Hon. ANTHONY D'ADAM: In terms of the data collection, there's no consistent data collection on this program across providers and no mandated reporting in terms of statistics.

MICHAEL FITZGIBBINS: No, there absolutely is. We have minimum requirements that we must report back to the department at the end of every year. What we report on, though, is demographic data and offence type and location of attendance. We provide that information to the department. As providers, we then don't get any feedback across the years from other providers—how many people have been referred, what it looks like in every LGA. What we do—and I believe we're the only provider who does this—is we have our database of 70,000 participants over the past 11 years where we've got their LGA and we're mapping that against demographics, and we're looking at offending statistics and data and basing that on LGA and demographic so we can better target road safety campaigns in those regions. But what we report back to the department is only demographic data and offence type.

The Hon. ANTHONY D'ADAM: So this data doesn't go to Centre for Road Safety, it goes to DCJ.

MICHAEL FITZGIBBINS: It goes to DCJ, correct.

The Hon. ANTHONY D'ADAM: And they publish or they don't publish?

MICHAEL FITZGIBBINS: No, they do not. Not as far as I'm aware.

Mr EDMOND ATALLA: My question is to Michael Fitzgibbins. In your submission, you strongly endorse the Auditor-General's '23 report, but you have concerns that unless those recommendations are matched with practical, regionally tailored implementation, you believe the impact will remain limited. Can you elaborate on that please?

MICHAEL FITZGIBBINS: I don't have that report in front of me. As you know, I'm away at the moment so I can't refer back to exactly what I was talking about. I'm sure that everyone else on this panel at the moment will support this. What we're seeing is that nothing is currently working. Our road toll is going up. Our young persons and our regional areas are continuing to offend. I know that there was a number of recommendations that were made as part of that report. Most of them, we agreed with what was said in there. As I said, I can come back to you with the specifics of what I was talking about and how we agree with those if you need me to at a later date.

Mr EDMOND ATALLA: That would be good. If you can just come back, I just need to know your views in relation to the Auditor-General's report, particularly the recommendations and which areas of the recommendations you have concerns about.

MICHAEL FITZGIBBINS: Yes.

Mr EDMOND ATALLA: If you can take that on notice, thank you.

The Hon. NATALIE WARD: I just want to follow up on one thing in relation to those programs, and sorry to harp on about this. We were talking about peers listening to peers and parents influencing, and while I agree with you in your submissions that parents do have a role to play, I'm not sure that my kids will listen to anything that I'm going to suggest, with respect. I wondered if there's a way to turn it on its head and incentivise ongoing driver training—we have continuing legal education and continuing education in many spheres—with, for example, your courses, such as the Safer Drivers Course. I suggested to my daughter, "How about for Christmas we go and do a fast driving course together," and she was like, "Ew, why would I do that?"

But if it were incentivised, for example, a reduced rate on your driver licence or yourrego or something that would go towards the \$75 cost of the course or thereabouts, as you say, they listen to the financial incentive more than the others. What are your thoughts around whether that could be offered as another course as a follow-up and how that could potentially work to incentivise them? And sorry, it's not just the kids today; it's older drivers as well. Country driving is vastly different to metro driving. How do we encourage older drivers and say, "Go do a refresher and we'll incentivise you"?

DAVID TYNAN: They actually do that sort of thing in the motorcycle world. The Ulysses Club, for example, is a very large social riding club for people over 40. I know they have arrangements with some insurance companies where if you do a particular advanced riding course, you then get a discount on your insurance, and that has proven very popular. That would be something that you could try and tie into. But you need the companies to come along with that.

The Hon. NATALIE WARD: The 40-year-old insurance premium risk is vastly different to the 20-year-old insurance risk. What are your thoughts on how that might work?

JOHN ELLIOTT: I agree. I think it would be wonderful to have insurers linking participation in programs like Ryda to a reduced premium. That would also then help track—because insurers, as opposed to Transport for NSW, do track crashes, particularly looking at who's at fault. Whereas the data collected by Transport for NSW doesn't necessarily explore at fault. They track injuries and all those sorts of things, but not necessarily who caused it; insurers do. Certainly an issue for incentivising participation that's worked—again, I'm going to cite the Tasmanian example—is participants in the Ryda program get five hours off their logbook. In Tasmania it's only eight hours. But in New South Wales, as you know, it's 120. That's a big incentive for parents to do two things. One, it would help validate the efficacy of programs that would be deserving of that. But also it then helps offset the cost of participation.

The Hon. NATALIE WARD: I'm sorry to interrupt you there, but I am interested in the older cohort that does exist here. If you do a driver course, you do get that incentivisation here in New South Wales. I'm interested in the older cohort, which is more at risk in my view, with the confidence—I won't call it arrogance—that comes with a full licence. Having a little bit of experience is a dangerous thing. How can we pull them back in in that danger zone where they're driving further or they're in the country and they are then emboldened? Is that something that your courses could offer?

BROOKE O'DONNELL: We've had a little bit of experience with this. We've got a corporate program that we've run, and it's more around complacency because that's kind of our biggest problem. As we get older, we forget what we don't know. We've actually seen some companies do some really good work in this space as well,

thinking about what they're expecting of their drivers, including how they're timing things and how they're communicating. One of our major companies does not communicate with their drivers while they're on the road—which was at a big cost for them. But they take that off so that that's not a problem. They've also got incentive schemes within the company. There's little awards given out for any of their staff, whether they're driving for them or not. Who doesn't love an incentive? It's a strong thing. But as older drivers it's more about kind of unlearning some of the things like bad habits and complacency.

Mr WARREN KIRBY: Thank you for your insights into this. On a similar topic, what would you say to those that say the 120 hours of logbook is adequate for getting people onto the roads?

BROOKE O'DONNELL: We've got an advisory council of people who were involved in setting some of these, and some of it is there's no magic bullet about the hours. It's the quality of what you do with those hours. I've seen it written that you can learn the mechanics of driving a car within, say, 12 to 16 hours. Those extra hours are about building cognitive skills and thinking and reading the road. It's about what kind of driving you're doing in that time. So I think the mandatory night driving and all those sorts of additions are good to add onto those hours so that parents understand it's not 120 hours of driving between the house and school, "And let's just get those hours done." It's trying gravel roads. It's trying dirt roads. It's trying night driving. It's getting onto freeways. It's making sure that the first time they do these things is not when they're solo. It's using that time wisely, I think. But the actual 120—I don't think there's a magic bullet on that one.

Mr WARREN KIRBY: These can go on notice. Do we have any data that you could provide of a change in rider behaviour from the changes that were implemented to enforce the—or differences in areas where there's not the rider training for trauma and statistics? Again, I'm very conscious of time, so it's probably on notice.

DAVID TYNAN: We don't have that data. I suspect Transport for NSW and NSW Police would be able to get that sort of data together to map the areas, yes.

BROOKE O'DONNELL: There is evidence to say that, if a program is structured in a certain way, then it works. And they've done some studies and proved that. So my big thing with education is a lot can go under that umbrella. It needs to be evaluated. It needs to be best practice. It needs to be evidence based. And that's what should be supported, not just a blanket call for education, but quality.

Mr WARREN KIRBY: Do you have access to some of those studies that you can share with us or at least point us to where they are?

JOHN ELLIOTT: Yes. There's the DRIVE study. We're happy to send you a link to that. That was a longitudinal study of a program not dissimilar to Ryda, up in the Northern Rivers of New South Wales, that pointed to participants being 24 per cent less likely to be involved in a crash over the following years, which is great.

The CHAIR: Thank you so much. Colleagues, with there being no further questions, I want to thank each and every one of you for appearing before our Committee today. You will all be provided with a copy of the transcript of today's proceedings for any corrections that you may have. The Committee staff will also email any questions taken on notice from today and any supplementary questions from the Committee. We kindly ask that you return these answers within seven days of receiving those questions. I really appreciate you taking the time out of your busy day and for your contribution—particularly online all the way from Europe, Mr Fitzgibbins. Thank you so much, each and every one of you.

(The witnesses withdrew.)

(Short adjournment)

Mrs DIANE McMURTRIE, before the Committee via videoconference, sworn and examined

Mrs ROSALIND DAYMAN, affirmed and examined

Ms TRACY BLAKE, affirmed and examined

The CHAIR: I welcome our next witnesses. Thank you all for appearing before the Committee today to give evidence. Please note that the Committee staff will be taking photos and videos during the hearing. These photos and videos will be used for social media purposes on the New South Wales Legislative Assembly's social media pages. Please inform the Committee staff if you object to having your photos and videos taken. Can you please confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

TRACY BLAKE: Yes.

DIANE McMURTRIE: Yes.

ROSALIND DAYMAN: Yes.

The CHAIR: Do any of you have any questions about this information?

TRACY BLAKE: No.

DIANE McMURTRIE: No.

ROSALIND DAYMAN: No.

The CHAIR: Would any of you like to make an opening statement before I open the Committee to my colleagues for questions?

TRACY BLAKE: I would. I just want to thank you all for the opportunity today. My name is Tracy Blake. I am here because, four years ago on Saturday, I became a member of the road trauma support family—a family I would have done anything not to have joined—when I tragically lost my youngest child, my daughter, my best friend. In 2018 at this very time, I had a conversation with a friend, questioning what my purpose was now. Mackenzie was sitting her HSC, both of my sons were serving in Defence, and what was I going to do now? What I thought I would be doing was advocating for Defence members, past and present, as I had seen how little vital support and services were available to those that had signed the blank cheque for their country. Little did I know that all that would change in just under three years, and I would become an advocate for road safety.

Having read through a number of submissions made to this Committee, I will say it is extremely disappointing to read repeatedly how frequently some groups have submitted reports and made recommendations, only to be here many years later making the same recommendations because not one change has been implemented. All too often we see politicians meeting with injured, traumatised and grieving families, taking notes and claiming to listen and to see us as we all make the same calls for change. Yet they walk away, never to be seen or heard from again, never following up with answers or a commitment to ensure changes will be implemented to help prevent further unnecessary losses.

One of the biggest obstacles in reducing road crimes and death is the mindset and entitlement of drivers. Most recently, the loud minority were at it again, responding to a news article headlined "Reducing the speed limit on country roads". There they were—"Revenue raising! You should be raising the limit, not lowering it. Fix the roads!" and so on. All this shows me is their arrogance and lack of concern for the safety of their communities. The simple answer is it's not revenue raising if you're not speeding. But most importantly, it's about reducing the number of crashes and the loss of lives.

Regional road users also need to be more alert to animals suddenly appearing in front of them. When travelling at high speed, this could result in the most devastating outcome. The previous Government took a step in the right direction when they removed the warning signs before mobile speed cameras, yet seemed to backtrack when the minority made the most noise—or was it because the election was coming? Well, that didn't work out so well for them. It doesn't help when *A Current Affair* does a story making a hero of a young person holding a sign warning drivers of a mobile speed camera ahead. What an absolute insult to everyone that has been affected by a speeding driver. In other States there are no warning signs about mobile speed cameras and the vehicles aren't even marked. This would surely work towards helping lower the number of road crashes.

My biggest concern is disqualified drivers and unlicensed drivers being able to register vehicles. Earlier this year when I was at Service NSW, I asked, "How is a disqualified driver able to register a vehicle when they're not allowed to drive?" I was told, "Because they can." The person I was speaking to told me she knows that disqualified drivers have come in to register their vehicles, and they've even driven there when they're not allowed to drive, but there's nothing she can do about it. She is married to a police officer. She then proceeded to tell me a story she had heard about a young girl who had been killed by a disqualified, drug-affected driver at Blaxland. When I said, "Yes, that was my daughter" she burst into tears and told me how very sorry she was. The greatest message we need to convey is that nobody is above the law, including those in positions of prominence, privilege and public service. Those people need to be held to a higher account and lead the way in observing the rules of the road. Speed limits are not a suggestion. Drug or drink driving is not acceptable. Choose to do a crime, be prepared to do the time. Thank you.

The CHAIR: Mrs Dayman, would you like to make a brief statement?

ROSALIND DAYMAN: No, not at this stage, thank you.

The CHAIR: Mrs McMurtrie?

DIANE McMURTRIE: Yes, certainly. I wholeheartedly support everything that Tracy has just said. Tracy and I have become good friends through the Road Trauma Support Group and support each other, particularly in our darkest days. The three of us ladies that you will be speaking to now, we're all mothers who have bought a coffin for our child. We know what hell looks like and we've walked through the flames of it. I would like to add two things to what Tracy has said. Number one, it is our attitude and our behaviour. Our attitude drives our poor driving and riding behaviour. It all boils down to that. How we change that is very complicated and complex. We have Hannah's Blue Butterflies Road Safety Awareness Inc. We work tirelessly every day.

We do need to address the fact that—and it'll go into the next part of my statement—this is road crime. Why are we accepting that, "I got a ticket. I got fined. I've got to go to a traffic offenders program and hear this bird"—which is me—"stand up there and tell me about her daughter who's dead." Really? We have to see that this is crime. We have an average in New South Wales of three people dying on our roads every day, at the minimum. If there were three stabbings a day in New South Wales, Parliament would be screaming. The community would be screaming. Why are we accepting that it's okay? It's quite okay—"Yeah, there's accidents." They're not accidents; they're crashes. They are intent. We must reflect the laws to be road crime. If you are a repeat offender, you go to jail.

You have your car taken off you, or your motorbike. You are committing a crime. This isn't a ticket; this is a crime. You are a criminal. If you can't obey the law, then catch a bus. But until we address that and have more campaigns and work out there—and we need to talk to our kids young. We have a Safety Sam program with Hannah's Blue Butterflies for preschoolers, but I will tell you where the gap is—it is primary school. These kids are not getting the road safety education. By the time they get to high school, they're set in their ways, and we can go and talk at a high school, we can show photos of Hannah's car, we can talk about "make decisions", but the minute they walk out, nothing has changed. We must address this young, and we must keep reinforcing road safety to our kids.

The CHAIR: Before I open questions to my colleagues, I want to pass on my personal sorrow to each and every one of you for your loss. As a parent, I'm sure I can speak on behalf of all my colleagues—I don't think there would be anything worse. I can certainly appreciate and respect the personal cost for you and your families. Before I open to questions from the Committee, I'll inform you, the witnesses, that you can take questions on notice. If you don't know the answer, what that means is you can say, "I'll take that on notice and I'll respond in writing at another time." Did you want to make a statement now, ma'am?

ROSALIND DAYMAN: Yes, can I just make a brief statement. I haven't lost a child; I lost my husband. The truck driver who drove into our car was 64 years old. We're looking at a very broad spectrum of people. Unfortunately, the sentences for fatal crashes are woefully inadequate, and it just retraumatizes—whether it's a husband or a child—because you walk out of court and there's been a tiny slap on the wrist. It just leaves you feeling that there's nowhere to go. It's across a whole spectrum of ages.

The CHAIR: I'm sorry to hear about the loss of your husband.

Mr MATT CROSS: First of all, thank you for being here, thank you for your submissions. I just want to read the names Mackenzie and Hannah into the *Hansard*, to say they are not forgotten. What was your husband's name?

ROSALIND DAYMAN: Les Dayman.

Mr MATT CROSS: He's certainly not forgotten. Thank you for the work that you do to make sure their lives weren't lost with nothing to show. The work you are doing, it will save lives. I just want to say that up-front. I am really sorry for your loss. I couldn't imagine what you've gone through. In your submissions, you spoke a lot about sentencing that is not adequate. Are you familiar with the NSW Law Reform Commission's report that came out earlier this year? I know it took a long time to come out, but are you familiar with it?

DIANE McMURTRIE: Yes.

Mr MATT CROSS: Are you generally satisfied with the recommendations that they put forward?

TRACY BLAKE: Not at all.

DIANE McMURTRIE: No.

Mr MATT CROSS: If you'd like to expand then on each of those, just so we can get the information for the Committee.

TRACY BLAKE: Claiming it was fit for purpose is a slap in the face for every single person that has experienced a road crime. I don't know how fit for purpose it can be when the person that murdered my daughter had been disqualified from driving for 17 years, continued driving, was continually caught—even did nine months in jail. He came out. He was offered a drug rehab program while he was in jail that he rejected. He came out, got straight back behind the wheel of a truck that he'd never been licensed to drive, and murdered my daughter. I don't see how they can say it's fit for purpose when people like this—and he's not alone in his behaviour. We see it all the time. It's highlighted on shows like *RBT*, *Highway Patrol*. They see, "Oh yes, there's a disqualified driver." They got a slap on the wrist and maybe a fine. They keep going.

How is it fit for purpose? When I first met the crash investigation officer who was investigating my daughter's death, she said to me—her first words were, "Oh, we were lucky he didn't kill somebody in 2004." And I swore at her. I said, "Well, I wasn't lucky. And Mackenzie certainly wasn't lucky." I don't know if she thought that would make me feel better, because it made me angrier. How can you not be angry to hear those words? And this person has been allowed to continue committing these crimes. For me, I got a bit of a sentence compared to a lot of other people that have lost loved ones, but still it's not enough. When you've taken a life, your intent is there. You know you're doing the wrong thing. You get behind the wheel of a vehicle and you're impaired by drugs or alcohol. But the lives lost to road crime are not given the same importance of a life taken by somebody who stabbed. And that's an insult. Because why are our loved ones' lives being said to us that their life didn't mean as much as somebody who was stabbed?

Mr MATT CROSS: The person that was responsible for Mackenzie's death on the road, what's his status at the moment?

TRACY BLAKE: He's in jail at the moment.

Mr MATT CROSS: Do you know what the sentence he received was?

TRACY BLAKE: He got nine years and three months and his non-parole period is seven years. So he will be out at the beginning of 2028. The other thing that is insulting, he was disqualified until 2026 when he killed Mackenzie. While he's in jail, that disqualification continues to count down. So when he comes out, instead of having nine years of suspension, he'll only have the three years the judge handed to him. How is that fit? He can't drive. He's locked up. So that should be suspended while he's in jail. But it's not. It continues, which is another reward for the criminal.

DIANE McMURTRIE: I wholeheartedly agree with Tracy. It isn't fit for purpose. I know there's some areas that I found that were positive, and looking at changing it to vehicular murder, vehicular manslaughter, vehicular aggravation and repeat offending. The problem is that the law at the moment is dangerous driving occasioning death and negligent driving occasioning death, and that can be a maximum of 10 years. I talk to families every day. I have not yet heard anybody get 10 years, for a start. In our situation, Hannah was killed by an 18-year-old P-plate driver who was on her mobile phone. Hannah was 19. She was found not guilty in a judge-only trial. She received nothing, despite the overwhelming evidence from the prosecution. We walked away without any justice. We support so many families who face the same every day.

The situation that we find is if we are going to change, if we are going to transition and upgrade to vehicular murder and vehicular manslaughter, it must go beyond saying, "We will go 20 years." No. As far as we're concerned—and I will speak to the other two lovely ladies—it's life. If you take a life, then you're in jail for life. You lose your freedom. You're in jail for life. This has to happen. The other thing is—and I'm going to be quite emotive and very forthright—we have judges who are weak as piss. I'm sorry, but I have seen judges who you trust with your heart that they're going to deliver the right sentence, and they don't. We feel that if these judges can deliver a 10-year sentence, deliver it. If they can deliver 20, deliver it.

I'll tell you—and I'll again speak for the other two ladies—when you walk into that courtroom, the defendant has all the power, all the support workers, all the help, the food, the breaks and the care. We walk in as mothers and wives, and we're not even addressed by the judge, apart from the prosecution and the sheriff. We're not even regarded with a name. Our children and our husbands aren't given a name. They're only ever "the deceased". This must change. The support for the victims' families and the victim, if they have survived this, has got to really step up. We are failing the victims and we're failing the families.

Mr MATT CROSS: Rosalind, did you—

ROSALIND DAYMAN: I was just going to say that at the beginning of the judge giving her summation, she mentioned the 10 years. The offender walked away with two years loss of licence—he had been driving the two years from the crash up to the day of court—and 200 hours of an intensive corrections order, which I could wipe off in about four weeks if I wanted to if it was given to me. When she said 10 years, I knew that of course that wasn't going to happen. I really am struggling to come to terms with two years and 200 hours. If there was

another two they could've tacked on, I'm sure they would. To me, it's woefully inadequate for the loss of a life. I feel that the sentencing, as it is today, is no deterrent whatsoever for people. If you can just live your life, not drive for two years and pick up papers a couple of hours a week, that doesn't become a deterrent at all. The sentencing, as it stands, is absolutely pathetic.

Mr MATT CROSS: One thing I'll certainly do when Parliament resumes is follow up with the Attorney General on the report and a response to that report as a next step.

DIANE McMURTRIE: Thank you.

The CHAIR: Thank you so much to each and every one of you. Your personal toll is something that I could not begin to relate to, so I certainly respect the passion and the hurt that you have around this. I don't think any one of us, whether it's your husband or child, no matter what, could truly relate. We have the law reform committee and everything. We would encourage you to engage the other relevant committees in terms of law reform. Of course, we're road safety. Hearing what you've got to say in terms of your views as to consequences is very important as well, so thank you so much. Colleagues, are there any further questions?

Mr ROY BUTLER: Ladies, thank you all for your submissions and for appearing here. Again, I pass on my condolences for your loss; it's a terrible thing to happen to anyone. Your submissions talk about fatigue and rest areas, and the need for probably more or better lit rest areas. Can you provide more information about that and possibly other strategies that you think might be effective in regional areas?

ROSALIND DAYMAN: I come from Piallamore, which is outside of Tamworth, and that was where I learned to drive, driving in to school and things like that. Since leaving that area I've done numerous trips to Adelaide, across the Hay Plain and things like that, and it's very obvious to me—I know that when I've felt fatigued, I've been very aware of it and stopped. But I'm also very aware of cars and they're actually veering across the road. I just feel if there are more safe spaces to pull off and to have some sort of a rest on those very long stretches—and they are, just from town to town, very long stretches—I just don't feel they're safe enough places.

I know there are the odd reviving places, but I don't feel there's nearly enough that's done to sort of encourage people to manage fatigue. And there's the haze that happens on those long roads. I don't feel that there's nearly enough places that provide a safe space. It's no good just pulling off the road. I feel there needs to be a lot more of those just to manage that side of it. And people become aware of fatigue, because a lot of people think, "Oh, I'll just drive to here," and they don't realise how long it is a drive. They don't make allowances for stopping and being safe.

TRACY BLAKE: And they'll wind their windows down, thinking that will help.

ROSALIND DAYMAN: Yes, to get a bit of fresh air.

TRACY BLAKE: And it doesn't help. I lived in Victoria briefly. I have a brother that lives there and I made a few trips backwards and forwards before I lost Mackenzie. Dotted all along those trips, in Victoria, there are signs advising you, if you're feeling sleepy, you're fatigued or whatever, take a break, have a power nap. We don't have anything like that in New South Wales. There's nothing to encourage people. We might have the occasional advert on TV, but there's actually nothing on these long drives encouraging people to stop and take a break. There aren't safe places, quite often, for them to stop. Our roads aren't, quite often, wide enough and there isn't an allowance made for them to pull over and take a break, have a walk around or even have a power nap. We need more of those.

DIANE McMURTRIE: The only thing I want to add separate to what the ladies have said is I live in Taree in New South Wales on the Mid North Coast, stuck bang—we've got a lot of villages and rural areas around here, and remote, and we are out of the loop for a lot of government help. The other thing I want to mention is we need to mandate that our learner drivers do not just get poor teaching from their parents or carers, but they have mandated professional driving lessons and Safer Drivers Courses, and supplemented or subsidised defensive driving courses, particularly here in the country, which aligns to what the ladies said about fatigue and poor roads. A lot of roads around here have given up being called a road because they're not. They're a goat track. And we, as you know, had the biggest flood in history here and our roads are showing it. We need to teach these kids how to drive properly, not just how to pass a driving test, and we really need the Government's help to mandate this so this can be available. We need to prepare our kids.

Mr WARREN KIRBY: Ladies, thank you for your courage and continued advocacy in the legacy of those you've lost. It's truly admirable and we absolutely appreciate it. I also appreciate that it can be additionally traumatic to repeat it over and over again, pleading for the Government to do work. You've touched on a couple of areas where you think that things could be improved, from sentencing and rest stops to driver training. I'm wondering if there are any other areas you think that we should be looking at for harm minimisation on roads.

TRACY BLAKE: To me, it's a hard thing to change people's mindset and their behaviours. When I go and visit my daughter's final resting place, because it's going up the mountains, trucks in the mountains are horrendous. When I used to drop Mackenzie at work at five o'clock in the morning, I would go home to get ready to go to work myself. I would drop her at five o'clock at Blaxland and I'd turn back onto the highway, and there were no vehicles around me. It was a very lonely time. I would be doing the speed limit and I'd get past Blaxland, where it increases to 80, and all of a sudden there's a big truck right on my tail. What limit are they doing? It's changing these behaviours. When I go to Leura, sometimes I have to go past the memorial gardens, because I don't feel safe enough pulling into the right lane so I can turn into the memorial gardens. I have experienced road rage myself by older drivers. I've had somebody throw something at me because I was in the right lane doing the speed limit to get past a truck that was struggling to go up the hill. But because I was doing the speed limit, this driver didn't like it.

As soon as I could get past the truck, I pulled over and he abused me as he went past. When I pulled up at the next set of lights, I was beside him and he threw something at my car. It's the mindset of people's attitude that the law is for everybody else and I can drive however I like. We need to change that; we need to stop the arrogance. We talk about young drivers, but it's the older drivers teaching these bad behaviours to young drivers, as far as I'm concerned. When my eldest son got his licence, as my children were growing up, I didn't hide the horror stories of crashes on the news from them. I let them see the real world. It's not a video game; you don't get nine lives. It's real. These things happen. They were all aware of the risks when you're driving on the road. My eldest son, as soon as he had his licence, went and did an advanced driving course. My second son got his licence while he was in the army in Townsville, so he got his licence in Queensland, but he went with a professional driving instructor. But their attitude is very different to a lot of younger people, and what I see with these older drivers on the highway is scary.

Yet again this morning, there was another truck crash at Katoomba. These have continued. My mother and sister, one of the times they came up to visit Mackenzie's resting place, told me of the fear of driving on the highway through the mountains because of all the trucks at speed. I'm very lucky I have a local member, Trish Doyle, who's been very supportive of my campaign to get things changed, and she herself recently experienced a horrible road rage incident. People's attitude when you say, "Somebody was tailgating me"—they come back with, "Oh, well, your car's not calibrated properly. You're going under the speed limit or you're sitting in the right lane." No, we're sitting in the left lane and you still think that. If our speedo is telling us we're doing the speed limit, that's what we're doing. You can't say my car is calibrated less than the speed limit because, as far as I'm concerned, I'm doing the speed limit. You can't get angry and assume that people are just doing it to annoy you. You have to be more courteous and more aware of the risks when you're on the road.

There are so many things that happen in the mountains. It's scary for all the townships that you pass through and these trucks pass through. There are schools on the highway, and so children are going to and from, and it's scary knowing that these drivers are going over the speed limit. We need to really home in on people's attitudes and get them to change and be more aware. It's not your entitlement to drive how you like. Quite often when I go to road trauma support group meetings, I go with another member. We can be driving back from Doonside, up the mountains, and there'll be a reduced speed limit because there may be a car or a vehicle broken down, and the lights are flashing that the speed limit has reduced, but they all just zoom past, and there's not a care in the world. It's not a suggestion with the speed limit; it's for their own wellbeing. It's not just about other people; it's for their own safety as well. That's why we really need to get the message through to these people. I know it's a hard call, but try to change the attitude and the mindset that they're entitled to drive however they like. They think they know best.

DIANE McMURTRIE: I think I'd like to add an extension to what Tracy said, which was very valid about the older drivers. I often post on Hannah's Blue Butterflies page, asking people if they were tested today with their driving test, would they pass it. The majority say no. They don't keep up to date with the rules and the laws, so we make campaigns on regularly updated laws and so on, so people are aware, not only in New South Wales but across Australia. One of my jobs as president of Hannah's Blue Butterflies is I have a phone that I can be called on 24 hours a day to support those affected by road trauma. I'm not a trained counsellor. I'm a mum listening, although I am a trained nurse. A few months ago I had a man message me and say, "I'm a safe drunk driver. I've been doing it for 50 years. I've never been caught and I've never killed anybody."

This message came five minutes after I was on the phone in the wee hours of the morning, talking to a mother whose son was hit by a drunk driver. He survived, but he's a paraplegic. She and her husband are older, and they now have to care for their son, so they don't get a lot of sleep. They're doing everything they can to care for him, but he can't do anything for himself. He has a brain injury. This idiot who did hit him was in his seventies, and he didn't receive a sentence. It's this attitude of, "I've never been caught, so I'm right." The other thing I really want to speak up for is that we need a larger police presence on the roads. I know it's funding; I know it's training. I can tell you, we can travel from here to Port Macquarie, Coffs Harbour, Kempsey and down to Newcastle or

Maitland and never see a police officer. The signs are good and the point to point cameras are good, but nothing will ever beat policemen on that road. We need them.

Ms KYLIE WILKINSON: My question is to Diane. Before I start, I just want to thank you, ladies, for coming here today. My condolences for your loss. I think it's very brave that you've come here and keep raising awareness about this really important issue. Diane, in your opening statement you mentioned talking to the youth. I'm assuming that you may have been visiting schools. Your statement reflected that you weren't getting good responses there. I just want you to clarify that a bit further.

DIANE McMURTRIE: At our organisation, we have a Safety Sam program, which we worked on with a counsellor in putting together—on what areas we need to address with the children and the age group—but we can't actually do primary schools. We're not allowed to. We have been told by the Government that it's provided by teachers in class, and we can't do that. In regard to going to high schools, we go and I speak as Hannah's mum. I tell them about what's happened. I talk to them about the work we do, and we speak at the end in depth about, "We know there's peer pressure. Please talk to your friends. Be prepared. If you see them going to pick up the keys to drive drunk, take the keys. Don't get in the car. Say no. Speak up. Talk to each other about scenarios." I sadly want to say that, in all the years I've been talking to the schools, this year I haven't gone to one school. I approached every school from Coffs Harbour down to Bulahdelah. I know that Michelle Davis at ROADwhyz does the Hunter region, so I don't go into that region. I approached not only the schools and the principals, but every P&C. Out of 68, one responded and said to me, "We're going okay. We don't need you. Thanks very much." So what do we do?

Ms KYLIE WILKINSON: Do you believe that you had good responses from the students in previous years and that it's having an effect?

DIANE McMURTRIE: Yes. I talk at a traffic offenders program three times a week and at jails. I can seriously say that you're not going to reach everyone. I'm being very open. You've got the kids who are flicking each other messages and talking to each other or kicking each other's shoes. We're not going to reach all of them. For the most part we do, but it has to be reinforced constantly. It can't be a one-off and it has to be constant. While I do adapt the way I speak to high school students, the way I'd speak to someone in jail or traffic offenders is I am quite forthright with the details of Hannah's death. As Tracy said, you can't hide it. You have to tell them the truth. This could be your family. The "it won't happen to me" attitude—well, it can and it does. I think we are failing on every level with primary and high schools. I think that the Government's education department need to have speakers; even if they feel that road safety education is covered, speakers need to come and talk to those kids, not just when they get their Ls but even when they're in year 7.

Ms KYLIE WILKINSON: Thank you very much for the important work you do.

The CHAIR: I again thank every one of you. I know that you've travelled quite a distance to be here. Your contributions are invaluable. As all my colleagues have said, we're deeply sorry for the loss of your loved ones. I thank you for your continued work and your advocacy to get these important messages out there. You will each be provided with a copy of the transcript of today's proceedings for any corrections you may have. Just so you know, when that transcript is released, you don't enjoy parliamentary privilege. If you've referred to any names or mentioned something that you'd prefer not to go out, please feel free to amend that and send those corrections back. The Committee staff will also email any questions that were taken on notice from today and any supplementary questions from the Committee. We kindly ask that you return your answers within seven days of receiving those questions. I sincerely thank you for coming in.

(The witnesses withdrew.)

(Luncheon adjournment)

Mr TOM DAHER, Chairperson and Family Member, Road Trauma Support Group NSW, affirmed and examined

Mr SCOTT KEYWORTH, Family Member, Road Trauma Support Group NSW, affirmed and examined

The CHAIR: Thank you both for appearing before the Committee today to give evidence. Please note that the Committee staff will be taking photos and videos during the hearing. The photos and videos will be used for social media purposes on the New South Wales Legislative Assembly's social media pages. Please inform the Committee staff if you object to having any photos taken. Can you both please confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

TOM DAHER: I have, yes.

SCOTT KEYWORDH: I have, yes.

The CHAIR: Do you have any questions or queries in relation to those two points?

TOM DAHER: No.

SCOTT KEYWORDH: No.

The CHAIR: Before we go to questions, would either or both of you like to make an opening statement to the Committee?

TOM DAHER: Thank you for the opportunity. If I may, I'll just give a little bit of information about the Road Trauma Support Group. We represent families that have buried their loved ones due to a road criminal act. The group was formed to support families through the grief, trauma and depression that follows after the loss of a loved one. We provide professional trauma support, counselling and emotional support, and we help our members through the justice system. To put it simply, we help people survive after they've buried their loved one due to a road criminal act. We're here today in the hope that there will be some changes made. We come here today to reopen our wounds, and we do that willingly so no other family needs to go through what we went through—so no other family gets a knock on their front door from a police officer and are told that their loved one is never coming home again. No other family member should need to go to the morgue to identify a loved one after a road criminal act. We thank you for this opportunity and we look forward to working with you.

SCOTT KEYWORDH: I am the father of a family who has suffered the loss of my wife through a road crash. I'm here at the invitation of the Road Trauma Support Group with an opportunity to talk with the Committee, which I think is a great opportunity to share some of my experience. I actually have a presentation here, not in a formal sense, but things I'd like to go through. My intention here is really to try and not only reflect a little on the loss of my wife for the Committee, but also to talk about what factors I believe actually have contributed to that crash, and then also some thoughts from me as to what actions governments could take in order to try and minimise the likelihood of such crashes occurring in the future. I crave a little bit of indulgence in terms of time. I'm expecting to talk for about 15 minutes. To that effect, I'd also like to provide to the Committee some photographs. These are done up in packs of four photographs each for the members of the Committee. That will provide a little bit more tangibility to what I'm actually about to say.

I appreciate that I have already introduced myself, but I just wanted to provide a little further to say, on my behalf, thank you. I live on a farm about 240 kilometres south of here near Crookwell in the Southern Tablelands of New South Wales. I first of all wish to thank the Road Trauma Support Group, who have actually been incredibly helpful to my family, for contacting me and inviting me to participate here this afternoon. I would also like to thank you for the opportunity to talk with you today with the sound intention, on my part, to provide input to the Committee that may enable, as my colleague Tom has said, fewer families go through in the future what my family has been through. That is ultimately the objective.

In the next 15 minutes, I am proposing to cover three issues: briefly, the impact of the loss of my wife through what I consider a completely avoidable accident in a crash on a local road near my farm; the factors that contributed to the crash occurring; and third, what actions I think could be taken from governments at a Federal, State and local level to prevent such crashes, and the consequent personal trauma and loss, occurring in the future. The photos I've just handed out—there are two pages of photos. The first is a photograph of my wife and my granddaughter. The second is a photo of my family.

My wife was Lynn Keywordh. She was born in Muswellbrook in the Hunter Valley of New South Wales. She has three siblings, all of whom are still alive. Lynn was a nice, thoughtful and very caring person. She had a lifelong passion for her family, the care of children and her friends. Lynn and I were married for 39 years at the time of the crash. We have three children, who you can see in the photograph. Each has a partner, and we're fortunate enough to have one grandchild, Annabelle. We also have three adopted children. They're not formally adopted. They're children that came through with my children at school. They were coming from households that were somewhat less stable. We, as a family, then took them on to provide them with some care and support and, particularly, with some stability. Those three adopted children also now have partners, and there are two grandchildren from that group of people as well.

My wife trained as a dental therapist—as a child dentist—and worked educating and caring for children's teeth as a career. She was a respected clinician and provided compassionate and professional treatment for thousands of children across regional New South Wales, Western Australia, Aboriginal communities in the Northern Territory and the ACT during a career that lasted more than 40 years. Lynn had a very wide circle of friends from her schooldays, from her career and communities in the ACT and also from around Crookwell. Lynn's

death was not an accident; it was a completely avoidable crash. The impact upon my family, her siblings, her friends and the wider community has been very significant.

We have had many people contact us expressing their shock and grief at her untimely loss. Some 500 people attended her funeral in Canberra. I miss her every day. The factors that I believe were contributing to the crash occurring are these three. If you go to the next page of photos, there is a photo of a sign. That sign is at the beginning of the unsealed section of Rugby Road—which is just down from where my farm is—on which the crash occurred. This sign is unhelpful. It does not provide a clear direction on the maximum speed to drive on the road. The default maximum, or the State limit, is 100 kilometres an hour. As someone who travels that road most days, I believe a safe maximum speed is 80 kilometres an hour.

The vehicle that killed my wife was travelling at 119 kilometres an hour at the time of the crash. The impact of the vehicle at that speed is twice the impact of a vehicle travelling at 80 kilometres an hour. My wife's car was completely destroyed. If the other driver had been travelling at 80 kilometres an hour, my wife would still be alive today. The second factor is road conditions. I haven't gone and taken large numbers of photographs for the Committee associated with road conditions. The road is typical of many regional unsealed roads across New South Wales and Australia. However, in this particular case, the road winds along the bank of the Lachlan River. It's undulating, it has poor visibility and it is unsealed. However, it does carry 20,000 vehicles a year, on the basis of road traffic data that we've collected through the shire.

Those vehicles include local cars, the school bus—there's a photograph of the bus, and I'll come back to the bus a little later—and also everything up to B-doubles basically moving agricultural products, livestock and fodder. The gravel surface is maintained by the shire grading it twice a year and resheeting sections of the road as required. The gravel surface is difficult to drive upon, and vehicles take much longer to stop than on a sealed road. The vehicle that killed my wife skidded more than 50 metres before colliding with her car—50 metres. If the road was sealed, my wife would still be here today.

The third factor—and I won't say is the most important, but in this particular case I find this issue particularly distressing. The other driver—the driver of the other car that crashed into my car—should not be in charge of any vehicle on any road. He is in his mid-30s. He had 50-plus criminal convictions at the time of the crash. He had methamphetamines in his system. He demonstrably has a complete contempt for the law and—perhaps more dangerously—for this Committee and also the broader community. He has a complete disregard for the consequences of his actions on other members of the community. He could not care less. If his criminal history had been managed differently by the courts, my wife would still be here today. What can be done about this situation? Nothing associated with the loss of my wife, but I do believe there are actions that governments of the day can actually progress in order to make the likelihood of these situations occurring less likely in the future.

First of all, install speed limit signs on unsealed roads. I understand there's a significant debate running at the moment associated with reducing speeds on regional roads that I think the Committee can and will reflect upon. But certainly I believe leaving things undirected in terms of a maximum speed—clearly undirected—is inappropriate. And I also believe just putting a sign up that says "Drive to conditions" is an abrogation of helpful direction. Second, realign dangerous roads or the sections of dangerous roads that we can to improve the overall visibility for drivers and improve the overall road condition. Third is seal roads where at all possible. I appreciate that that is a large task but, certainly from a road safety perspective, driving on sealed roads is safer than driving on gravel roads. Enforce traffic laws. I certainly believe—and I suspect I'm only echoing what you will have heard from other members of the road trauma alliance—that the current penalties do not provide deterrence to dangerous drivers.

The person who killed my wife received a penalty, after a very long period of legal process—some 570 days from the time of the crash until he was actually sentenced—to three years and four months imprisonment on the basis of receiving a 25 per cent discount for pleading guilty. I personally believe that sentence is manifestly inadequate and certainly in his case will make no difference to him in terms of his behaviour in the future. And finally, I would just like to reflect upon funding issues, and I appreciate that probably every person who comes before this Committee and other parliamentary committees always ends up talking about funding.

I'm not aware whether the Committee is particularly across this, but I would just like to say that, as a member of a community within the Upper Lachlan shire, we face particular challenges here, perhaps not different from other shires. To provide some comparison, Upper Lachlan shire is 7,100 square kilometres. We have 9,000 people living across 7,100 square kilometres and we have 2,000 kilometres of road—2,000. The shire's budget is about \$45 million a year. Half of the roads are unsealed. The capacity of the shire to actually either both seal or maintain those roads is very, very constrained. From my conversations with the shire around roads—which has been running for some time—they do have some access in order to actually get additional funds through State and Commonwealth programs in order to seal more sections of the road.

However, under the current funding provisions, it's the shire's responsibility to maintain those roads from their own resources when they have been sealed. The shire does not have the financial resources to maintain those roads, so they don't seal them. It's cheaper for them to run a grader over a dirt road twice a year than it is to maintain a sealed road. So, in the 25 years I've actually been at my farm, there hasn't been a single metre of road sealed within 15 kilometres of my farm. I cannot get to my farm or away from my farm without driving on dirt roads. I don't object to driving on unsealed roads, but my observation is that, unless there is some progress made both in terms of sealing and then maintaining those roads, a future version of this Committee will meet in five years time and you will have another group of people sitting here, talking to you about what's actually gone on in the last five years.

I also note that, from the Committee's perspective and New South Wales in particular, you've got a diabolical situation where you've got 75 per cent of road deaths occurring on regional roads across a huge network. How do you actually try and reduce that number? And that is a significant challenge. I certainly believe that the current funding program—the mix between local, State and Commonwealth funds at a regional level—is not working, full stop. I also acknowledge that there are very significant resources being directed by each State, not only New South Wales, to upgrading and building new roads. I believe the current budget in 2024-25 is about \$7.5 billion in New South Wales, which is a large amount of money.

I'm not suggesting in any way that that funding should not proceed. Obviously there are major projects that need to be undertaken, where large numbers of people are using those new roads and they're expected by community. But I do believe that a proportion of those funds could actually be redirected towards local government for both the sealing and, importantly, the maintenance of sealed roads. The simple mathematics are that 1 per cent of those funds translates into \$75 million. While \$75 million is only a relatively small amount of money, a move to actually direct more funds to local governments to maintain the roads that they have responsibility for would be welcome.

My second piece of advice in that is that any change in funding mix should also then be looked to local governments then matching those dollars from their own rate base. The challenge my local government has is actually in raising its rates. And part of the reason is it's a wicked problem insofar as that the community actually wants to see better roads to drive on but they're reluctant to put more money up to get better roads. But, if you can actually offer the opportunity to improve the roads through additional funding, contingent upon rates being increased, then we will have more chance in terms of actually convincing the community to agree an increase in their rates. At the moment, it's a stand-off position, and more people are dying. Thank you for your time.

The CHAIR: Thank you, Mr Keyworth, and thank you, Mr Daher. I particularly want to thank you for sharing something deeply personal. Mr Daher, you said this is opening your wounds to address that. I think that is very courageous on both your part and, indeed, the trauma group more broadly. We're going to circulate these photos, Mr Keyworth. As you would be aware, we have Hansard here. So everything that's said, Mr Keyworth, my colleagues will be able to read through and correlate you explaining what those photos are to those photos at that time. Before I open up questions to my colleagues—just so you know, you may want to take questions on notice. So, if you don't know the answer to a question that the Committee asks—or one of my colleagues—then you can take it on notice and reply in writing at another time, which I'll refer to further at the end, even if there's more submissions or further you want to elaborate.

The second point I'd raise—all of my colleagues on this Committee, with both Houses of Parliament, the upper and lower House, that is the Legislative Council and the Assembly, Independents, from all sides of politics—we had one inquiry to begin with because we were a reasonably new Committee, but we were all adamant to bring to the table rural and regional road accidents and road trauma—road deaths, which is the reality of it. And I know that it is a deeply concerning issue that continues to not be addressed. Your livelihoods and your wellbeing is living proof of that. That's why each and every one of my colleagues was adamant that we put this inquiry as a priority.

I will kick off with the first question. We aren't a law reform committee. The consequences for actions are outside of the remit of this Committee. That said, what would you see most appropriately fit, and what measures would you see to be put in place from a prevention perspective? I'm very much of the belief when we see issues we're reacting to them, and the law often does that, and road rules often do that. If there were two things that you would change in a premeditative way to make roads safer in rural and regional New South Wales, what would they be?

TOM DAHER: Thank you for the question. For too long, road crashes and deaths on our roads have been looked at as accidents. For too long, it's been looked at as "it happens, it's part of motoring and there's not a lot we can do about it." What I would like to see happen is total removal of the word "accidents". We've worked very hard to get there. We want to see crashes on our roads due to a criminal act looked at as seriously as if

someone grabbed a gun and shot someone. To us, it's no different. We've lost a loved one through a criminal act, whether a gun is used or a knife or a motor vehicle, our pain is exactly the same and the outcome is exactly the same. For too long, it's been looked at as, "Well, it's a tragedy, but it was an accident."

What we want to change is the mindset of the public, where people look at these crimes as totally unacceptable. Not that long ago, domestic violence was looked at as, "Well, I won't get involved. That's between the couple." We now get involved. We now step in. We know the consequences of not stepping in, and it's exactly the same with road crime. We want people to step in. If you're out and about, drinking with some friends, don't turn a blind eye and say, "Well, doesn't have far to go. I won't get involved." We want the public to get involved and we want the public to understand these are serious crimes. Sadly, we feel the justice system does not look at them as serious crimes.

The CHAIR: On your point Mr Daher, I totally agree with you. Those who commit a criminal act should be seen through the judicial process. If they are convicted, they are criminals. That's why I included "accident" and any kind of breaking of the law, criminal activity—I was a truck driver before I came in here. I had an accident. I was driving a B-double full of coal. My passenger tyre blew out on the left-hand side, it pulled me off the road and I rolled over. I nearly died. I had a car accident. During the course of that it created carnage and damage on public roads and various other things had to be done and I had to call on the emergency services. That was an accident. I didn't mean for my passenger tyre to blow out. Please, don't think that I am drawing a correlation between that, nor am I reducing. The tragic, sad and devastating loss of people through an act—those who have been convicted should be treated through the judicial system as it is. Please don't think there's any suggestion that was an accident, because that's not what I'm referring to. We are a road safety committee, the Staysafe Committee, so we're looking at this inquiry in totality, holistically.

TOM DAHER: That's one thing that we would like to see changed, and we'd like to see the justice system look at it as serious as what it is. We'd like to see sentences reflect the seriousness of the crime. That would be a deterrent for people to say, "Well, I'm not going to drink and drive. I'm not going to speed. I'm not going to do drugs." That's one of the problems: For too long, it hasn't been taken seriously. We have over 351 people dying on our roads. They're mums and dads, brothers and sisters, husbands and wives, children. It needs to be taken seriously.

The CHAIR: If there were two preventative changes you would propose, what would they be?

TOM DAHER: First of all, have the sentences fit the crime. Currently they do not. We would also like to see a serious advertising campaign highlighting the seriousness of this, where people get involved, step in. We would like to see it looked at as a manslaughter charge, because that's what it is. Change the culture. Change the mindset of the public. Until that changes, people won't take it seriously.

The CHAIR: Mr Keyworth?

SCOTT KEYWORTH: I concur with Tom. The example he gave with domestic violence is an excellent one. I believe that there's a concurrent issue and an opportunity, from a cultural perspective, with driving vehicles. My investigations indicate that there are currently about 6.2 million people with a driver's licence in New South Wales; 5.8 million of those are licensed car drivers. I suspect if you spoke to most people, they would just see getting a car licence as a rite of passage associated with being 16, 17, 18, and they sort of mature past that and then they just see that they need a vehicle in Australia to drive and do whatever.

I think that there needs to be some cultural reflection here that driving a vehicle is actually a significant responsibility. It's a licence that's given to you by the community. It's not something that you go to Coles and buy. There are provisions around getting the licence: You have to pass tests et cetera and you need to be able to manage your vehicle. All of that is basic and necessary. But I think, sitting above that, there is a broader sense that if you're in charge of a vehicle, you're not only responsible for your own safety but you're responsible for those in the vehicle and you're responsible for those people outside the vehicle. I don't believe that that is truly reflected as people are driving vehicles. I think we need to reflect more in terms of how that can actually be inculcated.

I also reflect that we, as a community, place very significant restrictions and expectations on granting licences to people to do other things. Firearms licences are very good example. Again, if you go back a couple of decades, different jurisdictions had different approaches to firearms licences. We had very tragic situations in Australia which then moved us to a very robust process associated with firearms and the licensing of firearms. People need to not only pass a test in order to get their firearms licence; they need to be able to secure them. But they are also held very, very, very accountable if those firearms are misused in any way whatsoever.

We don't have anything like that, from a cultural and sensitivity perspective, associated with a vehicle. From my perspective, the person that actually killed my wife—he was in a vehicle; it would have been just as effective for him to use a rifle. I also reflect that, in addition to a particular item such as a firearm, we also license

other professionals within our community to engage with the community. If you're a builder, you need a licence to make sure that the building is not going to fall down. If you're a doctor, you need a licence to say that you are skilled in order to actually treat a particular disease and meet with the community. If you're an electrician, you need to have a licence to say that you can wire up a house and people aren't going to die by turning on a power point.

We don't have anything like that associated with the use of vehicles. I think that is something that we should, as a community, actually work on, because they are dangerous and they are potential weapons if they are not respected. The second point I'd make, again similar to Tom, is regarding the sentencing. My family and I have had nothing to do with the criminal justice system, fortunately, at all in the past. During initial conversations with the police and the DPP, I asked the question, "What's the maximum sentence that can actually be placed upon somebody?" In this particular case, the person was charged with dangerous driving occasioning death and having methamphetamines in their system. The answer is that the maximum penalty is 10 years in jail. But the Crown prosecutor was very quick to point out that, whilst she had been in the job for more than a decade, she had never seen anybody get more than five.

She also said that mostly the sentences that are admitted are in the order of between three and four years. I found that astonishing, because as far as I was concerned, this person may as well have just got a rifle and shot my wife. If he got a rifle and shot my wife, he would have then been facing at least manslaughter and possibly murder on the basis of some sense of premeditation. So I think that if you discuss with the legal fraternity, they will tell you that the maximum sentence there is 10 years; if you actually go through the records, what you will find out is that the average sentence is closer to three. If you also look across jurisdictions and penalties that will get you three years jail, they are relatively minor. They are not trivial—I will be clear about that—but my recollection is I saw recently a person who had been convicted of fraud for \$500,000 from a community organisation, and he was sentenced to four years in jail.

As a member of the community, I listen to that and I think to myself, "How does this possibly balance up?" I'm not suggesting that fraud is unimportant. I'm not suggesting that the person should not be held accountable, but I am saying the death of my wife, and the consequences for my family, her friends and the community—the loss of her—is in no way proportionate to the sentence that this person received. I think that needs to be reflected upon a little, in terms of the guidance. I will also be very clear, certainly in the sentencing, the judge was very clear that he had a series of guidelines that he needed to act within, and he complied with those guidelines, obviously—he's a court—but he was very conscious that if he stepped outside those guidelines, the case would be brought back to appeal, and further delay in terms of resolution of this matter would occur.

The last bit that I would actually say associated with the sentencing—and I know you only gave me two, but I'll take one more—is that there will be certain people in the criminal justice system that essentially should not be allowed back driving a car. The person that killed my wife had driving convictions; he was on a provisional licence at the time of the crash. In the period between him getting out of hospital and then being re-arrested, he committed further acts, including driving, further speeding offences, and also pulled over again with methamphetamines in his system. The police put up their hands and say, "Well, we'll just add this to your rap list." At some point—and I don't know how the criminal justice system deals with this sort of process, other than simplistically—if somebody has a certain number of convictions associated with driving a vehicle, they should no longer be allowed to drive a car.

Coming back to sentencing, if the person is then subsequently driving a car, they get locked up for a very long time. My personal concern, and one of the reasons I'm here today putting it all on the table, is this person who killed my wife, doing 119 kilometres an hour on a road that he should not have been—certainly exceeding the safe driving arrangements, but certainly exceeding what he was entitled to do on his provisional licence—he will be out in the community within two years. He will be back on the road with you, everybody sitting in the room here, and your families, with a complete disregard for you, your families and the carnage he causes. As a member of the community, I cannot contemplate why, as a community, we wish that to happen. There are a range of offenders, from a group on the one hand where there was a momentary distraction and something bad happened, and then there's a group on the other hand. I really believe the law needs to think about how you deal with the second group. The first group are much less likely to offend; the second group will essentially reoffend because they do not care. They will continue to kill people, full stop.

TOM DAHER: If I could just add to that, we have a serious problem with repeat offenders. You lose your licence, you lose your demerit points, you sit out a suspension, you reapply and it gets given back to you. It's the same procedure. You sit out your suspension, go to the RMS, answer some questions and it's given back to you. The person that killed my father had lost his licence on six occasions. I do understand some people may have a licence suspended due to demerit points, but six occasions. When you lose your licence on six occasions, you are going to kill somebody. We have a massive problem with repeat offenders. We need to change how repeat

offenders are dealt with. In the Law Reform Commission, we put in a submission that repeat offenders must attend a victims impact panel, where they sit in front of family members who have lost a loved one and hear our stories, to understand the carnage that they will cause if they continue on this path. It was rejected. Repeat offenders are six times more likely to kill someone, so that really needs to be addressed.

The CHAIR: Just so you know, Mr Daher, obviously, all the evidence you're giving will be part of the Committee's consideration. Whilst we're not a law reform committee—we're an advisory committee—it will be part of the Committee's consideration where we refer that evidence at the appropriate time.

Mr MATT CROSS: Can you expand on your thoughts on the Law Reform Commission report that came out in February of this year, beyond what you've already said? Clearly, we're going to be looking to the Government to respond to that report. It was referred in 2022, so it was a much anticipated report. What are your comments on that report?

TOM DAHER: Extremely disappointed, if I may say. This was a great opportunity to make change, to right the wrongs and to highlight the issues that are out there—and there are issues. We put in a submission, but literally everything we suggested was rejected. We asked for a standalone road crime Act, to highlight the seriousness of this crime. That got rejected. We asked for road crimes to be described as vehicular homicide/manslaughter—rejected. We asked for a standard non-parole period, so we can have some consistency in the sentencing. We were told it's perfectly fine—there's no need for standard non-parole periods. We asked for the removal of intensive correction orders. Fancy losing a loved one due to a road criminal act and the offender's sentence is home detention. There is no crime where someone has lost their life, apart from road crime, where an intensive correction order is the sentence. It's insulting. It just creates more trauma for the families.

To say the least, it was most disappointing. We asked for mandatory alcohol interlocks. No. Victims impact panels are used around the world and are extremely successful. No. It's an opportunity to highlight the seriousness. It was most disappointing, to be honest with you. Road fatality reporting—what was the cause? How could it be prevented? To give you an example, 350 people are dying on our roads. If we had, let's say, a 737 jumbo fall out of the sky and 350 people died, there would be massive investigations. There would not be one stone that's left unturned. There would be reports. But not for 350 people dying on our roads. We had an opportunity to make change, and we were told by the Law Reform Commission, "The system is working perfectly fine." Not only was that a slap in the face to the families that have buried their loved ones, but nothing will change because of the Law Reform Commission.

Mr ROY BUTLER: Thank you, both of you, for your time. Again, my condolences for your losses. Can you talk a little bit about regional road infrastructure that would have an impact on safety, going to things like rest stops, the condition of roads and how well they're maintained—all that sort of thing?

SCOTT KEYWORD: As I said earlier, I think this is a wicked problem insofar as Australia is a big country and we have lots of roads, but in regional Australia we have quite sparse populations. The road network is incredibly important for those populations to not only be present but also to make a living, to enable their family to be with them, and also to enable some form of community to be established. The other bit of complexity is that those roads carry a vast diversity of traffic. They're not suburban roads, equivalently. I'm pleased to hear that we have a B-double truck driver amongst us.

The CHAIR: Used to be.

SCOTT KEYWORD: You're unlikely to find a B-double turning up to a leafy avenue somewhere in St Ives this afternoon. But the road network has to cope with that diversity of traffic. I believe that, from the major road networks, there's reasonable opportunities for rest areas for people to pull over, particularly the major State roads, which I travel regularly. There's plenty of opportunity to then pull over and get some sleep or relax. There are opportunities within some of the smaller roads for people to do that. Yes, I believe that fatigue is certainly an issue. People drive long distances and they don't necessarily stop as much as they should. But, ultimately, I think a lot of the issues still comes down to the overall condition of the road itself—reflecting that people are driving on those roads at all hours of the day and night.

This is not a standard commuting system where people are there between 8.30 a.m. and 5.30 p.m. You also have additional hazards associated with livestock and wildlife, and there's significant numbers of accidents that occur there. Fortunately, most of those aren't fatal, but a large number of accidents occur. I also think it's partly just an education program in terms of encouraging people to take a break on the basis of every two hours, driving to the conditions, slowing down as necessary—standard road safety messages. But, ultimately, let's work back from this: If you're on a regional road which is unsealed, relatively narrow, has poor visibility and is roughly corrugated, then unless you're driving to those conditions, that is a very dangerous place for you to be. It's a particularly dangerous place for somebody coming from the other direction towards you.

The further you go up from those roads, then you're into issues associated with the width of the road and the clearing of the sides of the roads so that there's better visibility. Then you're into a situation, again, of being able to support drivers to make good decisions around both speed, from a signage point of view, and crash barriers. As I said, the road I referred to runs along the side of the Lachlan River. I had a car basically go through one of the fences on my property. Fortunately, the car went from—and I will also be clear: The car was a mother with three children in the back, a station wagon. It went through a fence on my road. She didn't make the corner, went through a fence and then stopped—went about 10 metres and then stopped. Two metres before, she would have gone down an embankment 30 metres to the river. Everybody would have died.

There's no signage on that section of the road associated with the curve. There's certainly no crash barrier to prevent that car going through that corner. But, ultimately, if the road had been sealed, less likely for it to happen. There's sections of the road similar to that not far from where I am. Fortunately—there's accidents but people haven't died. The condition of the road and education associated with safety is critically important. Then also just being in a position to try and remove people from driving vehicles in that space that are not respectful for the responsibility they have.

I'll just close. One of the photos that I provided to you was the school bus. I'm just reflecting upon my friend, his reflection upon a 747. That school bus travels the road on which my wife was killed twice a day during school term. There's a driver and there's six children in that bus. If that driver that killed my wife was 20 minutes later, he would have had a head on with that bus in exactly the same location. He would have cleaned up the bus. Instead of one person dying, we would have had at least a driver would have been taken out and several schoolchildren would have also been impacted. Again, it's no reflection upon the bus. The bus needs to be there. The children are there. They're going to school. They're doing the right thing. But these are difficult and dangerous environments, and we need to be doing everything we possibly can to reduce the risk associated with further fatalities, whether they're individual or whether they're a broader number of people. Tragically, the broader number of people get a lot more attention. Again, I reflect to the outcome from the bus tragedy outside of Newcastle at Maitland—the wedding party.

The CHAIR: Branxton.

SCOTT KEYWORTH: That was dealt with very quickly. I noticed that the bus driver was actually appealing his sentence. These accidents that are occurring are the outcome of a whole series of factors that lead up to them. Many of those are actually more in our control but, ultimately, people need to respect the responsibilities that they're given by the community in terms of holding a driver's license.

The CHAIR: With there being no further questions and time, thank you so much for travelling here and giving evidence. Thank you for your courage of telling both your personal stories. Thank you for all of this documentation. It will be circulated, as I said before. In relation to the law reform findings, whilst that doesn't come into the remit, we are in a position as a Committee to consider what we do with your evidence from there, so we'll do that at a later time after all the public hearings. Most importantly, thank you so much for coming in and giving evidence. We wanted a very broad brush with this inquiry, and we wanted everyone to be honest and transparent. You've certainly been very courageous in that regard, and I thank you both for that—in fact, your whole group, actually, for what is a very important advocacy group. I was born and raised in Central West New South Wales. I understand, particularly when you talk about roads in regional and rural areas.

You will be provided with a copy of the transcript of today's proceedings where you can have a look at what's been said. You can then make any corrections from those proceedings. The Committee staff will also email any questions taken on notice from today, and any supplementary questions from any of my colleagues to go back to you. They may send a supplementary question to say, "Can you elaborate on this?" or provide any further clarification. We'd kindly ask if you can return those answers within seven days of receiving the questions. Thank you so much for your time. I sincerely appreciate it.

TOM DAHER: Thank you for the opportunity.

SCOTT KEYWORTH: Thank you for the opportunity.

(The witnesses withdrew.)

Mr GAVIN LENNON, Senior Investigator, National Transport Research Organisation, sworn and examined

The CHAIR: I welcome our next witness. Please note that Committee staff will be taking photos and videos during the hearing. They will be used for social media purposes on the New South Wales Legislative Assembly's social media pages. Please inform the Committee staff if you object to any of those photos or videos

being taken. Can you please confirm that you've been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

GAVIN LENNON: Yes, I have.

The CHAIR: Do you have any questions about that information?

GAVIN LENNON: No, I don't.

The CHAIR: Would you like to make a short opening statement before we go to questions?

GAVIN LENNON: Yes. I come here today as somebody who has been involved in and seen firsthand the trauma of road collisions for the past 18 years. Previous to my employment with the National Transport Research Organisation, I worked for the NSW Police Force as their principal collision reconstruction expert. I also work currently for the New South Wales Fire and Rescue service and I work as a trainer for Road Sense Australia. For 18 years I've been seeing the trauma that we have on our roads here in New South Wales. I've been to many hundreds of fatal and serious injury crashes and I've investigated many, many more. For me, it has become a normal part of life. I've become numb to the trauma. I've become numb to the human side of it.

I investigated the Greta bus crash, which we spoke about earlier, which is obviously one of the worst events that we've had on our New South Wales roads in history. For me, it was just part of life. That's not normal. It shouldn't be normal. I have two kids now, 12 and nine, and I dread the day that they actually get behind the wheel, not necessarily because I don't trust them—because I know I'm going to teach them to be good drivers—but I know that I can't trust other people on the road. It petrifies me that potentially something occurring to them might be what brings this crashing down for me that it's not normal and I'm no longer numb to it. That future scares me. I'm very privileged to be in this position today to address the Committee. I look forward to seeing how the developments that are made through committees such as this actually benefit us as we move forward and strive for that Vision Zero.

The CHAIR: I'll open up to questions. Just so you know, you may want to take a question on notice, which means that you can put it in writing back to the Committee at another time if you're unsure of the answer. I might start off. I want to talk about speed limits. In terms of limitations with New South Wales's approach to setting and enforcing speed limits, do you believe that they are having a positive impact in rural and regional New South Wales or do you have a personal view that those speed limits are disregarded? You've heard some other witnesses before. Being in a road transport profession before I came in here, amongst a couple of other things, particularly when I was a truck driver, people had no regard. They would tear around me. I would be going down what was known as Sesame Street to do the Tarcutta turnaround, doing 100 kilometres an hour to change my trailers at Tarcutta and come back up to Sydney. People would move around me like I was standing still. The speed limit down there was 110. I could only do 100. What is your view? Do speed limits work? Do more signs work? What is the issue? Why do people continue to have that lack of regard?

GAVIN LENNON: My personal view on it is that it's very important that we have the right speed limit for the right road. Potentially, that means not only the right speed limit for the right road but the right speed limit for the right conditions for that road. Variable speed limits, in my opinion, work wonderfully. The issue is a lack of regard, as you said, for speed limits. You can set whatever speed limit you'd like, but what we have to do is get people to comply with that speed limit. For me, that comes down to a breakdown in the system. For me, it's an education point. Currently, we live in a society where we're telling people what not to do, saying, "You can't do this. You can't do that." Our current campaign is about casual speeding and the effects of casual speeding, but we don't educate people on why. Why have we got this campaign at the moment that says it's 85 or thereabouts? Why is it a problem?

I live in a little suburb called Helensburgh, which is in between Sydney and Wollongong. Our main street got converted to 30 kilometres per hour. We have lots of shops in that area and high pedestrian activity. Obviously the social media push was, "How dare they change our street to 30 kilometres an hour. Thirty kilometres an hour is ridiculous. This is revenue-raising." Immediately people are like, "I'm not doing 30 kilometres an hour. You can't make me do 30 kilometres an hour." We never educated the people about why it's 30 kilometres an hour. At 30 kilometres an hour, if you hit someone, there's less than 10 per cent chance you're going to kill them. If you're doing 50, that jumps up to 75 to 80 per cent. We never explain to people why.

Similarly, you explain to people that if you double your speed, you actually quadruple your kinetic energy. People don't get that. People don't understand. I really feel like there's a lack of education behind our speed limits and why we have speed limits, and giving people the information they need to make the right decisions. Doing 120 kilometres per hour in a 110 zone, people don't see that as being a problem. What they also don't understand is that the amount of time that they're saving themselves is almost inconsequential. The faster the speed limit, the less advantage there is actually going over that speed limit.

The CHAIR: I made that point earlier today, before you were in here, about an example, a conversation. Mr D'Adam and I were in a meeting. If you're doing 125 on a 110-kilometre road between Hornsby and Newcastle, you save just under five minutes time, but you increase your chance of an accident by 100 per cent and your chance of being infringed or losing your licence by 200 per cent.

GAVIN LENNON: Exactly right. If you tell a kid not to touch the stove because it's hot, they're going to touch the stove because it's hot. If you tell them, "Don't touch the stove because you're going to get a blister, it's going to scar and it's going to hurt for months," they won't touch it.

The CHAIR: Using your Helensburgh example, 50 down to 30, what would you have done? What's your solution? You're a member of that community. You live it. What would you have done?

GAVIN LENNON: Going against everything I believe, I got on the Facebook forum and I actually tried to educate the people and I tried to explain to them why it's 30 and the difference between hitting someone at 30 and 50. Then I tried to bring that back to what if it was your child or your mother or father that was hit on that crossing and survived because the car was doing 30, or consequently died because the car was doing 50? So I tried to educate the people. Another thing with that is you can't actually do 50 along that street. It's impossible.

The CHAIR: I know the street you're talking about.

GAVIN LENNON: There are roundabouts, there are speed humps—you can't do 50. The uproar made people angry, which then gives them the feeling like, "Oh, well, I'm not going to comply and I'm not going to be part of this." So I would like more education. When that sort of measure is taken, it needs to be followed up with education of that local area, but it also needs to be followed up with a greater education. I feel that's where our public campaigns currently lack.

The CHAIR: Would you suggest, instead of the headline being, "We're reducing the speed limit from 50 to 30", delete that and have, "We're running a child safety campaign to keep our kids safe in Helensburgh"?

GAVIN LENNON: Correct, yes. The slogan, the motto is: Did you know that hitting someone at 30 kilometres an hour, there's less than 10 per cent chance of killing them?

The CHAIR: Changing the narrative.

GAVIN LENNON: At 50, you're going to kill someone and you're going to end up potentially sitting in front of a court of law facing negligent or dangerous driving charges, when all you had to do was 30 kilometres per hour.

The CHAIR: Save Our Kids changes, or something?

GAVIN LENNON: Correct, yes. And it's not necessarily just kids either. It's your family. It's putting a face to that number.

The Hon. ANTHONY D'ADAM: Just on the question of the reduction in speed, one of the things that I've noticed is, I suppose, the ambient sort of speed limit or the ambient speed that traffic travels at, and that basically most drivers take their cues not just from the signage but from what other drivers are doing. I think part of the issue is you get conditioned to drive. You have an intrinsic understanding of what 60 looks like or feels like and what 50 feels like. Given that 30 is quite a qualitatively different feel, do you have any recommendations about how we might shift, I suppose, the driver perception around ambient speeds and those sort of cues that drivers take from other drivers?

GAVIN LENNON: It's interesting that you raise that point because it's the speeds that fluctuate from that ambient speed which are generally the ones that are causing the crash. If we're all travelling at the same speed, there's a low speed differential, so if any collision occurs, the energy is shared and there's not a lot of transfer of kinetic energy. It's when we have big differentials that we see those collisions taking place. The more serious crashes obviously occur when there are less people on the road because there's more avenue to be driving faster. So it's not necessarily a speed limit issue; it's a speed operating issue and it's a fluctuation from those speeds.

Again, if we go back to the education of the driver and an understanding of why speed limits are, in certain areas, set—we can move away from the example of the pedestrian. We can move into a side impact. The reason we have 50 kilometre per hour zones in built-up areas with lots of intersections is because with side impacts at 50 kilometres per hour, again, you're back under that 10 per cent chance of killing someone. If you're doing 70 or 80 kilometres per hour, that jumps to 90 per cent. And we see our 50 zones—that's why they're set at 50 now and not 60. But people don't understand that. We need to teach people about why the speed limit is there and why it is important that traffic flows at that speed limit for safety purposes.

Similarly, if you have a fluctuation from that ambient speed, it actually has a detrimental effect on traffic flow and it makes our travel time slower because people start to weave in and out of traffic, which then causes other people to brake. It's an education campaign around that as well, in that, if you are doing faster than the rest of the traffic, you don't actually get there any faster and you're actually contributing to the problem of traffic flowing less freely.

The Hon. ANTHONY D'ADAM: Should we be just getting rid of 60 zones? Everything goes down to 50?

GAVIN LENNON: I think that goes back to my point before: You need to have the right speed limit for the right road. The speed limit needs to reflect the natural travel of the road. So 60 kilometres per hour certainly has a place, but it has a place on a certain style of road. If you set your speed limits too low, that will encourage people to break those particular speed limits. If you have a 50 zone instead of a 60, when the natural feel of the road is 60, people will get used to breaking the speed limit. Then when the speed limit actually matters, because we're on that threshold, people will tend to have no regard for the speed limit, because it has been conditioned into them. Sixty certainly still has a place, but it's about having that 60 zone on the right construction of road.

The Hon. ANTHONY D'ADAM: In metropolitan areas, though—

GAVIN LENNON: In suburbia?

The Hon. ANTHONY D'ADAM: Yes, in suburbia. Where is a 60 road different from a 50 road? It really is quite—

GAVIN LENNON: In that place, yes, I certainly agree that there's a level of ambiguity there between that 50 and 60. Again, it comes down to the right speed limit for the right road.

The Hon. ANTHONY D'ADAM: How are those speed limits determined? How do you decide that this road is appropriate for 70 kilometres an hour, this road is appropriate for 80 kilometres an hour, this road is appropriate for 100 kilometres an hour, or 90—how is that determined?

GAVIN LENNON: At the moment, obviously, when a road is designed, it will be designed for a designed vehicle at a designed speed. It will be designed to carry vehicles at a particular speed limit. Unfortunately, a lot of roads were designed prior to committees such as this, so some roads have just been historically rated at 70 kilometres per hour, or, let's say, a default speed limit of 100 kilometres per hour. Obviously, in some instances, it needs to be reviewed. That takes time. There is a backlog at the moment, particularly in rural areas, of resources available to review those speed limits and set them at an appropriate level.

That also works in the other direction as well. You might have a reasonable road that should be 80 or 90 kilometres per hour; it may be still stuck at 60. We go back to that problem then, that's conditioning drivers to break the speed limit because 60 doesn't feel natural. I'm on a wide road, plenty of vision both directions, low traffic volume—why is this road 60? I'm going to do 80. I'm going to do 90. It's conditioning the driver to believe that speed limits are there as an advisory; they're not a real consequence.

The Hon. ANTHONY D'ADAM: How do you train a driver? There are often occasions where you'll be driving and your speed will creep up, and you'll be unaware of it. Then you will recognise that the speed has shifted and you'll readjust. Human beings are inclined to make mistakes. Shouldn't we be focusing more on structural interventions rather than putting so much emphasis on trying to shift human behaviour? In other safety systems, like in the workplace, placing the burden on the individual is the last thing you do in terms of safety interventions, because of the fallibility of human beings. You don't want to rely on human fallibility as your primary mechanism for averting accidents.

GAVIN LENNON: Absolutely. That's the foundation of the Safe System. The Safe System approach is founded on the fallibility of the human and the fact that we can't rely on the human. In my personal opinion, one of the major failings of the Safe System at the moment is we've just dipped our toe into it. People say the Safe System isn't working because we have a trend that is currently going up. The problem is we haven't implemented it in full. As you say there, there are measures that we can take that can control vehicle speeds and ensure you don't creep up 10, 15 or 20 kilometres over the speed limit, but we live in a conservative society where those sorts of measures will be frowned upon by the public, because we're free to make our own choices.

It's in that portion of it where the Safe System is currently breaking down because we haven't dived in all the way yet. We're dipping our toe in. We understand the principle. We understand how it should work across all the pillars of the Safe System. But at some point we have to go, if we're in on this, we need to be all in. We can't be just focusing on one pillar, whether it be infrastructure, vehicle safety or user behaviour. We need to fully invest in the technologies that exist that can help prevent that fallibility of the human being a factor in those crashes.

The Hon. ANTHONY D'ADAM: Is the trend actually going up? The number of registrations and the number of drivers is increasing. The fatalities obviously are increasing in a numerical sense. But is it correct to say over a sort of reasonably long horizon—we obviously had the dip with COVID because there were just fewer vehicle movements. If you reduce the number of hours people are on the road, you're obviously going to reduce the number of fatalities. But in terms of the number of vehicles, the number of hours that people are driving, if they're trending up and the trendline in terms of fatalities is at a not as steep rate, then obviously the incidences are declining. What do the statistics actually say?

GAVIN LENNON: From my understanding against all the common metrics—so sheer numbers, vehicle kilometres travelled and vehicle registrations—it's going up. It's not coming down. We have an uptick at the moment that we need to get on top of and turn around.

The Hon. ANTHONY D'ADAM: Over what period are we talking about?

GAVIN LENNON: Basically since COVID.

The Hon. ANTHONY D'ADAM: But in terms of the long-term trendline?

GAVIN LENNON: I can't think off the top of my head the exact specifics of that.

The Hon. ANTHONY D'ADAM: You can take that on notice.

GAVIN LENNON: But I know following COVID, there has certainly been an uptick against all the metrics that we use to measure.

The Hon. ANTHONY D'ADAM: The bulk of the evidence we've taken today has sort of been directed towards trying to shift human behaviour. What kind of technical interventions could we make that may yield some benefit, aside from interventions, around trying to change driver behaviour?

GAVIN LENNON: There's a lot of wonderful work that goes into risk-assessing our roads. Obviously it's quite a process. It's very involved because we have such an expansive network, particularly in rural regions. There are programs like AusRAP where we risk assess the road itself, the road infrastructure, and we rate our roads and we can scale the roads on their safety attributes. We can combine that with tools such as ANRAM, which uses those AusRAP results and then combines it with real crash data so we can identify those real risk areas, not only through lack of infrastructure but also where crashes are occurring. NTRO has a tool known as NetRisk2 which we can provide to local government where they can look at the current state of their network and where it sits on a safety platform. We develop a network safety plan. We can compare that back to the goals that they've set for themselves, the targets that they've set, and we can help them identify where they'll get the most benefit out of particular treatments from an infrastructure point of view.

The Hon. ANTHONY D'ADAM: What do you mean by treatments? What kind of treatments?

GAVIN LENNON: Be it wide centre-line treatments, wider shoulders, barriers down the middle of the road, centre lane medians, there's a number of treatments, obviously ranging in prices like cost to the community and cost to government. There are ways to risk assess and work out where the greatest benefits can be made through the dollars that are available. From my point of view, I think we also need to think a little bit outside of the square. For instance, the example before was asked about stopping bays and rest areas on rural roads. Part of my job when I was with the police, I travelled all over New South Wales. A crash would happen in, let's say, Gunnedah at two o'clock in the morning. I'd get a phone call, I'd get in the car and I'd drive to Gunnedah. Rest areas obviously on the New England Highway are a bit better now, but during my time it was a single carriageway and there were not a lot of rest areas. You then head off on the Gwydir Highway and it is the same thing.

I got to a little mining town once and it was three or four o'clock in the morning and there was a takeaway shop that was open. In the middle of nowhere there was a takeaway shop open, and the cars that were banked up there for people to just go in and get a drink and a bite to eat was amazing. I think to myself, "You could have a multi-million dollar upgrade to infrastructure and put in a rest area that no-one would ever use, or you can pay this shop a couple of thousand dollars a year to stay open 24 hours on a Saturday and Sunday, and you've got five or six cars every hour, on the hour, every night, stopping there for a rest." We need to think outside the square a little bit. It's not always the big ticket item that's going to have the best results. We need to shift our thinking into little things like that, little initiatives. That's a step change in society, in seeing what the value of the dollar can actually be.

Mr ROY BUTLER: Thanks very much for coming along today. I want to revisit something you mentioned earlier in regard to variable speed limits. I use the example of Bells Line of Road or the F1 heading north out of Sydney, where, depending on the conditions—when it's wet, it's 90. If it's not wet, it's 100. That would seem to me to be a much better way of dealing with risk than just a blanket lowering of a speed limit. Obviously

if we've got some bends or some loose surface then a lower speed limit during changed conditions is appropriate. But you wouldn't be then saying that 365 days a year you're travelling at a lower speed limit. Can you talk a bit about the opportunity for variable speed limits to be part of the mix?

GAVIN LENNON: Honestly, I think that's probably the most practical and efficient way to solve that speed limit issue. Again, it's not about dropping all speed limits. Because we can drop all speed limits—it doesn't mean people are going to comply. But if they understand the reasoning behind it and they can see a tangible reason why the speed limit is dropped at a certain time—because it's raining heavily, because the road conditions have changed, because traffic is thick—I think people are more inclined to take that information on and act on the information that they're presented with, because it's giving them a reason for their choice. I certainly think it would be a big step change for us if all roads were in some manner managed by a variable speed limit. However, the practicality of that is obviously very small. It would be a very hard thing to do. But our major routes—I can't see why it wouldn't be a viable option.

It needs to be coupled with enforcement as well. If we look at our enforcement techniques, I've been driving for nearly 20 years now, and I think I've been pulled over for a random breath test probably less than five times in my driving career. Similarly, speed—there's permanent speed cameras, obviously, on the side of the road. But in terms of police enforcement, I can tell you the three spots on my way to work. I drive an hour to work every day. I can tell you the three spots on my route to work where there's likely to be a speed camera set up, like a mobile speed camera. Other than that, you just don't see them. I think initiatives such as point-to-point speed monitoring on roads, with the variable speed limit—things like that coupled together—would be a major step forward in our safe system approach.

Mr WARREN KIRBY: I have some questions around the causality of accidents. There are studies that indicate that 10 kilometres under the speed limit is actually of more danger to other drivers than somebody driving 20 kilometres or 30 kilometres over the speed limit, because of the disruption to traffic in what it does. You mentioned earlier that you've been to hundreds of crashes and it terrifies you what's coming up. What have been the three major causes of accidents?

GAVIN LENNON: My experience would be swayed in this because I worked for the police and it was my role to go and investigate accidents where someone was going to ultimately be prosecuted. For mine, it was primarily speed. Speed was certainly number one—excessive speed. Second would be inattention—a lot of head-on style crashes where vehicles had strayed onto the incorrect side of the road or off the road and into trees et cetera. Third would be alcohol. I would suggest that alcohol being third is only because my expertise lay in the area of physics. I would analyse the physics behind the crash—work out how fast the car was going, lines of sight et cetera. I wasn't necessarily called upon to investigate those instances where alcohol was a clear factor. That was the factor that made it dangerous, so I wasn't necessarily called upon. That is potentially the only reason why I would rate that as number three. In my experience from lecturing or teaching within Road Sense Australia for instance, I would say alcohol is probably the number one causation for people to be in that environment—to have to come and do a traffic offenders program. In terms of my actual experience going to crashes, it's 100 per cent speed.

Mr WARREN KIRBY: Not road conditions?

GAVIN LENNON: Driving too fast for road conditions—but it's generally a choice by the driver to be driving too fast.

Mr WARREN KIRBY: When you say speed, is that posted speed limit or is that the speed limit that has been deemed to be safe in the conditions of the person who had the accident?

GAVIN LENNON: Again, through my experience and because of my role—because I was there to investigate someone who was going to be, potentially, charged criminally—it was primarily over the speed limit, because that was the metric that you could measure in a court of law. That's not to say that there is a multitude of crashes that are happening because people are driving too fast for the particular conditions but may have been under the speed limit. Primarily, I was going to speed-related crashes that were above the speed limit.

The CHAIR: Are there any further questions? There being none, Mr Lennon, thank you very much for taking the time to come in. It truly is valuable. You mentioned in the beginning setting a very clear personal perspective where you're ultimately a little bit numb to the human element. You've had to be, because you've been to so many different events. I have no doubt that coming in here and sharing all of those stories was very courageous. I thank you for that. My wife is from up in the Hunter and used to live in Greta. She knew people in that bus crash up there and is so shattered about it. It had a massive impact on that region and that community.

GAVIN LENNON: Absolutely.

The CHAIR: You will be provided with a copy of the transcript of today's proceedings for any corrections that you may have. If there is something in there you are not comfortable with, you can correct that and send it back in. The committee staff will also email any questions taken on notice from today or any supplementary questions that any of my colleagues may have for you to elaborate further on. If you could please return any responses or answers within seven days, it would be greatly appreciated. Thank you so much for your time.

GAVIN LENNON: Thank you very much for having me.

(The witness withdrew.)

Dr WILL TREGONING, Chief Executive Officer, Unharm, affirmed and examined

Ms ALLISON REID, NSW/ACT State Manager, Alcohol and Drug Foundation, before the Committee via videoconference, affirmed and examined

Ms AMY HERBERT, Manager Policy and Engagement, Alcohol and Drug Foundation, before the Committee via videoconference, affirmed and examined

The CHAIR: I welcome our next witnesses. Thank you so much for taking your time to come and make a contribution to our inquiry. Please note that the Committee staff will be taking photos and videos during the hearing. The photos and videos will be used for social media purposes on the New South Wales Legislative Assembly social media pages. Please inform the Committee staff if you object to having any photos or videos taken of yourselves or your contribution. Can you also please confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

WILL TREGONING: I have.

AMY HERBERT: Yes.

The CHAIR: Thank you. Do you have any questions about this information?

WILL TREGONING: No.

AMY HERBERT: No.

The CHAIR: Before we go to questions, and whilst we're waiting on Ms Reid, Dr Tregoning, would you like to open with a statement?

WILL TREGONING: Thank you, yes. I'll keep it very brief. As you know, I'm here from Unharm. My primary expertise in this role is in relation to drug policy and it connects with the terms of reference insofar as strategies to reduce fatalities related to alcohol and other drugs are part of the remit of this Committee. Part of my professional background is as a researcher and, in the context of that work, one of my major clients was Transport for NSW. So I do have some contextual grounding in road safety strategy. But I am, like I said, primarily providing evidence on the basis of my role with Unharm.

The CHAIR: Welcome to Ms Reid.

AMY HERBERT: Sorry, I believe Allison does not have any sound.

The CHAIR: No worries. Would you like to make your opening statement, Ms Herbert?

AMY HERBERT: Certainly. I'll make the opening statement on behalf of Allison. Allison is a State manager for New South Wales at the Alcohol and Drug Foundation, and Allison would just like to let everybody know that the Alcohol and Drug Foundation is Australia's leading alcohol and other drug harm prevention organisation. That's why we're here today. At the Alcohol and Drug Foundation we provide up-to-date, credible information and we run two large prevention programs: Good Sports and the local drug action teams. We also deliver evidence-based information and advice, and we also run targeted prevention campaigns. We know that alcohol is a factor in 18 per cent of New South Wales road deaths and drugs are a factor in 24 per cent of deaths as well. It's a significant impact and it really demonstrates the need to invest in holistic prevention, including through evidence-based alcohol and other drug prevention policies and programs.

At ADF our focus is on primary prevention of alcohol and other drugs, and that situates us really well in preventing road trauma. We support 80 local drug action teams across New South Wales that deliver place-based initiatives, including some initiatives that focus on reducing road trauma. One example is the safe learner driver

course in regional areas for drivers aged 16 to 25. That program targets those at higher risk of impaired driving due to alcohol and other drug use. We also attend liquor accords across local alcohol-related issues and contribute to localised prevention activities. We offer web-based information, advice and tools that are accessible across New South Wales, which is so important for people in our regions who may not have easy access to in-person advice or may feel shame about talking about alcohol and other drugs with doctors. That includes things like Text the Effects and drug information bots.

We work with lots of stakeholders at all different levels and in different capacities—so government, sport and community. That includes 80 local drug action teams across New South Wales, local sports councils, 3,500 grassroots New South Wales sports clubs, local leaders, Aboriginal Elders and non-profits. Good Sports, which Allison will tell you a little bit more about in her evidence, I'm sure, has particularly strong alignment to the objectives of this inquiry. It's really evidence based and reduces risky driving in participating clubs by more than a third. There's some other great data which Allison can provide. Strong local programs are only one part of the puzzle in reducing alcohol- and drug-related trauma in our communities. At the Alcohol and Drug Foundation, we support evidence-based policy interventions to reduce AOD harms as part of the whole picture. Thank you.

The CHAIR: Thank you. Ms Reid, would you like to add further opening comments to that?

ALLISON REID: Apologies, I actually missed most of it, but I'm 100 per cent sure Amy covered everything.

The CHAIR: It sounded very thorough to me. We do have a number of questions based on your submission and the evidence you're going to give. But before we do, I wish to inform you that witnesses may wish to take a question on notice—that is, if you're unaware of the answer at this time—and go away, do further research and provide the Committee with an answer in writing at another time. Dr Tregoning, my first question is to you. In your view, what are the most targeted and effective approaches to preventing AOD-impaired driving in regional New South Wales?

WILL TREGONING: It's a good question. One of the best supported strategies is to invest in alcohol and other drug treatment for people experiencing problems with their drug use. The reason for that is that Australian research has shown that there's a very high prevalence of drug-related problems among people who have been the cause of a road fatality.¹ One of the things we know about drug treatment in regional areas is that it's difficult to access. There's an undersupply. There are long waiting lists. So it's kind of counterintuitive and not directly, of course, related to the roads but one of the best things that we could do would be to invest in alcohol and other drug treatment.

The second thing would be to recognise that, with regard to cannabis, for example, about which there's been much discussion in relation to road rules, especially in the last week but also over the last year around the Drug Summit—what we know from the research evidence is that the people who are involved in road accidents that involve intoxication with cannabis are a subset of drivers who also have other characteristics that make them a risk on the road. For example, they're more likely to be younger men, so targeting interventions specifically to the kinds of drivers most at risk of causing a fatal or non-fatal accident would be another strategy that's well supported by evidence.

The CHAIR: Just on cannabis, has your research drifted into the recent public commentary? Do you have a view on the testing of users of medicinal cannabis?

WILL TREGONING: For sure. We've got two key road rules in New South Wales that relate to drug driving: sections 111 and 112 of the Road Transport Act. Section 111 relates to the presence of what are called illicit substances and 112 makes it a criminal offence to drive while impaired. What has not been questioned in any of the discussions is the importance of retaining section 112. It almost goes without saying there's a general social disapproval of driving while impaired, which is, of course, absolutely reasonable. That should remain in force. What we have at the moment is a focus on detecting the presence or the residue of prior drug use. In some cases, that does provide some evidence of the recency of use, but with cannabis, the residue of previous use can be detected long after the period of intoxication has passed.

The New South Wales police have standard operating procedures about saliva testing at the roadside. They clearly state, which is in line with the research evidence, that those tests do not test for impairment; they just test for the presence of residue of prior cannabis use. We have this situation where people who are prescribed medicinal cannabis are, according to advice on NSW Health's own website, banned from ever driving. In fact, not

¹ The Committee received [correspondence](#) from Dr Will Tregoning providing clarification on these statements which is published on the Committee's webpage.

only are they not licensed to drive but they also have no insurance coverage if they do. We have this unjust situation where this specific medicine is singled out for rules around driving that are unique. It's not treated, at the moment, equivalent to other medicines. You can track that back to the fact that in that 2013 Act, THC, which is a cannabinoid—a component of both illegal and cannabis medicines—is defined as being an illicit drug. That Act was written in 2013. Medicinal cannabis was legalised in 2016. The Act was never updated to reflect the legal status of cannabis.

The CHAIR: Before I hand over to my colleagues—Ms Ward has a question as well—I'm a massive professional and personal believer in preventative measures. That's easier said than done. You mentioned it before. Are you talking in terms of repeat offenders and having it as part of their rehabilitation for repeat offenders? Are you suggesting, even more broadly, someone being able to highlight and engage with those who have serious substance abuse whilst also having a driver's licence? If so, are you aware of or would you suggest any pathway to achieve that engagement?

WILL TREGONING: Yes, I am saying that. I'm also saying that I think there's an opportunity for targeted programs that are directly targeted to the people who are in high-risk categories, regardless of having offended, that are preventative in nature—not law enforcement interventions but, for example—

The CHAIR: Irrespective of first offenders or not.

WILL TREGONING: That's right: broad-based prevention rather than specific prevention after people have committed an offence. The other part of the question was about whether I'm aware of—I'm going to try to answer the question. Essentially, what I was saying is that we know from research that there's a high prevalence of problematic drug use among people who are responsible for crashes that relate to intoxication.² The point I'm making is a point that I'm repeating from findings from other researchers—for example, the study that was done at the University of Queensland. The recommendation was that improving access into treatment and reducing the prevalence of drug-related problems is going to have a road safety benefit. The pathway is through improving those pathways into treatment. There has been a lot of discussion about improving access to drug treatment in regional areas that has happened over the past 12 months, especially in the context of the Drug Summit. That kind of investment in drug treatment can be seen as a road safety intervention as well as a treatment program that's aimed at helping that individual.

The Hon. NATALIE WARD: Thank you, all of you, for your submissions and for taking the time to assist the Committee today. Can I ask each of you in relation to medicinal cannabis, are you aware of any test that is able to adequately measure impairment? If not, do you have a view on whether it's at a point where it's worth the risk of allowing people taking medicinal cannabis to drive? Some issues and questions have been raised around that recently, as you acknowledge. I just wonder what your views are on that.

WILL TREGONING: Is there a biological test that can determine impairment? No, there's not. There's a clear consensus around that. Even while there are ongoing attempts to identify thresholds and whatnot—there are international jurisdictions that have defined concentrations in bloods, for example—there is an abundant body of research that has shown that there's not even a correlation between impairment and presence of THC at any level in the blood. Saliva is even less able. As New South Wales police direct their officers, saliva tests are—the scientific consensus is that the way those operate is by identifying residue from prior cannabis use that's stuck in the oral cavity; it's entirely separate from impairment. So the short answer is no. There are all sorts of attempts to develop apps and whatnot. But, in fact, what we need to rely on are the existing provisions that the police have to assess sobriety.

The reason for that is because the issue of impairment goes well beyond medicinal cannabis. Being aged over 75, for example, doubles your crash risk. Not having slept for six hours the previous night doubles your crash risk. Those are, of course, even before we get to the impairing effects of medicines like benzodiazepines or opioids, which are far more impairing than cannabis, and for which there aren't tests at the roadside. The impairment issue is in fact a much bigger one. I think one of the problems with the focus on presence testing is that it has taken attention off the need to strengthen capabilities to identify impaired driving. That's where the focus should be. That's what the community wants, that drivers who are impaired are not on the road.

At the moment, because of the focus on presence rather than impairment—an example of that effect is people are being waved on from traffic stops based only on the result of the test. We know, again from Australian research that was done here in Sydney, that those tests have a false negative rate. There are people who have the

² The Committee received [correspondence](#) from Dr Will Tregoning providing clarification on these statements which is published on the Committee's webpage.

presence of THC in their system who are being assessed as negative for THC based on those tests. And because of that reliance on the test itself rather than on sobriety assessments, they're simply being waved on. So we've got this perverse situation where there's actually a road safety risk under the auspices of this program that in fact misdirects attention away from preventing impaired driving and toward detecting the residue of prior use.

The Hon. NATALIE WARD: To those of you online, did you have something you wanted to add to that?

AMY HERBERT: Ms Reid's asked me to respond on behalf of both of us. I'd endorse the comments made by Mr Tregoning. I'd also emphasise the equity issues at play in relation to people who are prescribed medicinal cannabis and note that two other jurisdictions have approaches to resolving the issue. As the Committee's probably aware, in Victoria, for example, it's still an offence to drive with any cannabis in your system but magistrates are able to apply judicial discretion to motorists as well.

Mr WARREN KIRBY: To what extent does limited availability of other transport options impact the decisions of people to drive when under the influence of alcohol or other drugs?

WILL TREGONING: That's a great question. This is another recommendation that you'll find throughout the literature, that one of the most effective things that you can do is to provide alternative transport options. Obviously, in regional areas, the absence of transport options is a much greater issue than it is in the city. I'm commenting about this, as you can tell, not from the basis of personal experience. I live here in the city, to be clear. But in many of the research studies, that is identified as a key strategy, including in relation to drug and alcohol-impaired driving—that one of the factors that makes that more likely is the absence of alternative transport options. You're absolutely right.

The CHAIR: Ms Reid or Ms Herbert, did you want to add to that?

ALLISON REID: I can take this one. It's definitely an issue for us with our Good Sports program, particularly in our regional and remote areas. It's actually one of our areas that we focus on—safe transport. We identified that a lot of sporting clubs are travelling a long distance to attend training, to attend games, then celebrations and grand finals, so we actually do a specific safe transport workshop with community sporting clubs. The idea is to work through some safe transport options with the clubs and address all those things like safe transport, swags in clubhouses and courtesy buses. Some of our clubs have put in designated driver programs, staying at a mate's program, they do a key register or they do a carpooling scheme. There's lots of options that they're putting into play, but it's actually building those protective factors for our clubs at the moment—not just keeping the club members safe, but the wider community safe as well.

Mr ROY BUTLER: Mr Kirby asked the question I was going to ask—given that I've got 44½ per cent of the State in my electorate and 150 communities, most of whom don't have taxis or buses—but I'm glad you got the answer anyway. I just want to go back to your comment about treatment, and treatment as a road safety measure. Across my electorate—in Broken Hill for example, I think you're 800 kays to the nearest treatment centre in New South Wales, which is in Orange. It's the same for a lot of my towns. You're a long way from treatment. If there was to be that sort of service available, like a residential treatment program—perhaps a detox in the hospital before going into a residential program—how would you account for people's readiness in terms of stages of change? Just because they have maybe had a traffic offence or something like that, are you suggesting that these people would bubble to the surface when they became ready to seek help and then get help, or be referred through the court? How would you see that working?

WILL TREGONING: This is at the border of my area of expertise. I'm not a clinician and I don't work in alcohol and other drug treatment. I'm a policy researcher, primarily. So what I simply say is that what I'm advocating for is to ensure that the doors are there. How the treatment centres operate and interact with people depending on their stages of change is not my area of expertise. I was more making the broad case to ensure that the doors exist. How we get people through them is not my area.

Mr ROY BUTLER: And I agree with your broad statement that they should exist—it's just how you saw that interacting. I don't know if either of the ladies want to answer that. Ms Herbert or Ms Reid?

AMY HERBERT: I can add to that. I think that treatment is a really important part of the picture, and I take your inference that readiness for change is a real part of effective treatment, but I think readiness for change and engagement with treatment probably needs to start way back in the story. That's one of the things that alcohol and drug prevention can do. Providing people with non-judgemental information and advice very early on in the journey can open a lot more doors. As you were saying, it's about understanding what the benefit of alcohol and other drug treatment is, how it can help you with managing the risks of alcohol and other drug use, and creating stigma-free environments, like online environments, including just being able to log on and read a little bit about AOD. We've got some really innovative options around AI-assisted drug information bots that can give people

really good information about understanding their alcohol and other drug use, assessing their alcohol and other drug use and thinking about it over the longer term. Because people's alcohol and other drug use changes over their life course. Just being able to access that kind of information early on can really help people to understand when they need help and to be ready to get it.

The CHAIR: With there being no further questions, Dr Tregoning, Ms Herbert and Ms Reid, thank you very much for your time appearing before the Committee today. You'll each be provided with a copy of the transcript of today's proceedings for any corrections that you may have. The Committee staff will also email any questions taken on notice from today and any supplementary questions from the Committee. We kindly ask that you return these answers within seven days of receiving the questions please. Thank you so much for your time. I truly appreciate your contribution to what is a very important inquiry, which we're looking to find some very broad outcomes and recommendations from.

(The witnesses withdrew.)

Mr PAUL DALY, Director Strategic Policy, National Heavy Vehicle Regulator, affirmed and examined

The CHAIR: Welcome. I appreciate you taking the time to appear before us today. Please note that the Committee staff will be taking photos and videos for social media purposes on the Legislative Assembly's social media pages. Please inform staff if you object to having photos and videos taken or published. Can you please confirm that you've also been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses.

PAUL DALY: I have, thank you, Chair.

The CHAIR: Do you have any questions about this information?

PAUL DALY: No, sir.

The CHAIR: Would you like to make a short opening statement?

PAUL DALY: I do have an opening statement, thank you, Mr Chair. First of all, thank you all very much for the opportunity to attend here on behalf of the National Heavy Vehicle Regulator and to contribute to the Committee's inquiry. I'd like to begin by affirming that the NHVR strongly supports the aim of the inquiry. Fatalities and serious injuries from heavy vehicle incidents continue to be one of the most pressing challenges. Between 2024 and 2025 alone, 45 people were lost in New South Wales crashes involving heavy vehicles, 32 of which were in regional areas.

The NHVR supports all efforts to increase road safety that ultimately result in safer roads, safer vehicles and safer people, and is committed to working collaboratively with all governments and industry parties to make Australia's roads safer for everyone. The NHVR is Australia's regulator for all heavy vehicles over 4½ tonnes. The NHVR is established by the Heavy Vehicle National Law, which covers heavy vehicles ranging from long-haul and specialist freight vehicles to delivery trucks and passenger buses. We deliver consistent and streamlined regulatory services to the Australian heavy vehicle road transport sector, fostering greater safety and productivity while minimising regulatory burden.

As a modern, risk-based regulator, we aim to identify and address the most significant safety risks associated with the heavy vehicle operations. Through a balanced approach which combines information, education and enforcement, we work to foster a safer industry culture and influence the behaviour of all road users, aiming to reduce crashes, fatalities and serious injuries involving heavy vehicles. Each year the NHVR undertakes various activities aimed at promoting and encouraging road safety and creating positive behavioural change in road users. Examples of these activities include road safety campaigns, allocation of funding for safety initiatives, and on-road compliance operations.

The NHVR currently has two flagship road safety operations, We All Need Space and Don't Muck With A Truck. Each campaign iteration has had a positive impact in improving educational outcomes in road users. The NHVR's We All Need Space road safety campaign was developed to provide light vehicle drivers with practical tips on how to drive safely around heavy vehicles. This includes avoiding tailgating, speeding and other driving behaviours, and how to stay safe when approaching oversized heavy vehicles. Post-campaign research conducted by the NHVR indicated the following in the campaign: that 92 per cent of drivers who saw the campaign felt more knowledgeable about how to drive safely around heavy vehicles, and 86 per cent of drivers have taken a more careful approach around trucks as a result.

Our Don't Muck With A Truck road safety campaign returned for its third year in 2024. In that year, the campaign was co-created with learner and provisional plate drivers to inform and educate them on the consequences of not giving trucks space when on the roads. The NHVR's Don't Muck With a Truck road safety campaign has had a positive impact in improving educational outcomes, with the NHVR's post-campaign research showing that 99 per cent of young drivers felt more knowledgeable about how to safely share the road with heavy vehicles, and 33 per cent adjusted their driving behaviour around trucks as a result. The Heavy Vehicle Safety Initiative funding program has been administered by the NHVR on behalf of the Commonwealth Government since 2016. Over the past nine years, the program has invested over \$41 million in 169 projects to improve road safety and move towards zero fatalities and serious injuries on our roads.

A number of projects in regional New South Wales have been allocated funding by the NHVR over the past years. These include the Eurobodalla Shire Council, who was allocating funding to deliver a road safety campaign; the Orange and Cabonne shire councils, who were allocated funding to develop an intervention strategy and behavioural change campaign; and the Bus and Coach Association of New South Wales, who were allocated funding to develop guidance materials on how to address bus breakdowns to enhance the safety of bus and coach passengers.

The NHVR undertakes a number of on-road compliance operations each year across regional New South Wales, both individually and with other enforcement agencies. These operations are often conducted in locations frequented by long-haul intrastate and interstate heavy vehicles, with the aim of working with industry to ensure that they understand and comply with their HVNL obligations. This reflects the NHVR's "inform, educate and enforce" approach to compliance. From 2023 to 2025, the NHVR undertook 18 on-road compliance operations across regional New South Wales, focusing primarily on noncompliance with fatigue, vehicle standards and speed requirements. Six of these operations were in collaboration with the NSW Police Force.

The NHVR's on-road compliance operations illustrate our holistic approach to safety, combining education with compliance and enforcement. This ensures that heavy vehicle operators and drivers are not only aware of their legal obligations but also equipped with the knowledge to make more informed decisions about road safety. To face future challenges and opportunities, the Heavy Vehicle National Law is currently undergoing change, with the introduction of the Heavy Vehicle National Law Amendment Bill 2025 into the Queensland Parliament in August 2025. The 2025 amendment bill marks an important step towards a safer, more productive and less burdensome regulatory environment for Australia's heavy vehicle industry.

These reforms will enable us to refine an approach as a regulator that better satisfies the needs and expectations of the heavy vehicle industry, jurisdictions and the general public, while maintaining strong safety standards. Of particular significance in relation to the terms of reference for this Committee are the amendments proposed to the existing heavy vehicle accreditation scheme and a new duty on drivers to be fit to drive. These two reforms have the potential to shift the focus of heavy vehicle operators and drivers from a tick-box approach to compliance and safety, to a safety systems approach to managing their obligations.

On alternative compliance, the amendment bill restructures the existing accreditation scheme and establishes a tiered safety assurance system for accreditation. Based around a core safety management system requirement, this represents a meaningful and essential shift within the accreditation scheme, which will improve safety performance for accredited operators and fundamentally generate trust in the scheme for governments, industry and the community. The new driver duty not to drive if unfit confers responsibility on all heavy vehicle drivers to manage their health and fitness, and empowers them to cease driving if they are unfit to drive for any reason.

Currently the "not to drive if unfit" duty is limited to unfit to drive due to fatigue. The amended law will expand this to any reason the driver believes they are unfit to drive, from temporal medical issues such as a migraine, to being unfit to drive due to a psychological issue. Likewise, and consistent with workplace health and safety laws, it notifies other parties in the chain of responsibility that they must ensure their conduct and business practices do not cause or encourage the driver to drive whilst fatigued or unfit. This represents a proactive and preventative approach to managing health and fitness, and reflects the shared responsibility that exists between drivers and operators in reducing the risk of incidents and fatalities on our roads.

As I'm sure everyone here today would acknowledge, road safety is the responsibility of multiple agencies, different levels of government and the community all working together to achieve the objectives of the Towards Zero roads program. As it has for the past decade, the NHVR stands committed to working closely with all stakeholders to reach these objectives and make Australian roads safer for all. I thank the Committee for its time, and I welcome any questions that you may have.

The CHAIR: Thank you, Mr Daly. We will open up to questions at this time, and I'll kick off with the first one. Before I do, please note and be advised that you may take questions on notice and return them in writing

to the Committee at a later time. Further to your opening statement, your submission states that heavy vehicle incident investigations are managed differently across government agencies and there is a gap in the data on causal factors contributing to serious injury and fatal crashes. Can you expand on this more specifically? How do you think this could potentially be addressed? What would your advice be?

PAUL DALY: Thank you, Mr Chair. That's a wonderful opening question. The reality is that we are an applied law scheme. With that comes the joy of having seven jurisdictions with which to work to—all having their own abilities to derogate in and out as they see fit—and also having seven jurisdictions of policing agencies and transport departments. What we have been doing for the last few years—and it's starting to bear fruit—is to look to harmonising the data. This is something you've heard a little bit throughout the day: The data coming in is a little bit inconsistent and is not always in the same format.

As the National Heavy Vehicle Regulator, we are trying to be a font of all knowledge, to some degree, to be able to bring that causational data in so that we can start to see the trends across Australia and not just what is happening in South Australia compared to what is happening in New South Wales or Queensland et cetera. As is the case, the data does not come out of the jurisdictions in exactly the same look. It is not a vanilla style. Every jurisdiction has its own data preferences. We're working very hard with, for example, Transport for NSW and New South Wales police to harmonise the data and bring it in so that we can see it as a whole, not just a sum of the parts.

That's actually moving ahead, Mr Chair. We are making some inroads with that. Our RCMS—our on-road program that our SCOs use—is now also being offered out to policing agencies in real time so that they can see what we can see and, eventually, we will be able to see what they can see on the road as it's happening. So if someone has been stopped in South Australia two days ago for a breach of the HVNL or a speeding fine and they are then stopped in New South Wales two days later, we'll be able to see what the police have shown and be able to make decisions on compliance and breach at that level.

The CHAIR: I might hand over to Mr Atalla.

Mr EDMOND ATALLA: What do you believe are the main shortfalls in regional road safety strategies in reducing crashes involving heavy vehicles?

PAUL DALY: It's probably something that's become a little bit of a broken record. Today I've been very fortunate to be able to see the other witnesses give evidence. Most of them are absolutely correct. It's education and understanding what happens if you are hitting a heavy vehicle or if a heavy vehicle hits you and understanding how to avoid that. Our Don't Muck with a Truck and We All Need Space campaigns are designed specifically to provide light vehicle drivers with a bit more assurance as to what is required. We're also seeing a suite of new vehicles coming onto the market that are safer. The technologies that they're using—their side impact and their telematics—are providing a safer road. Because they are built in more of a productivity fashion, they're not on the roads as much as they used to be.

The new legislation that's coming through will allow a 19-metre truck to go to 20 metres and 4.3 to 4.6. Whilst that puts a truck on the road that's a little bit heavier and a little bit taller, it is also a much safer vehicle because it's a newer vehicle and it's not on the road as much. That education piece is first and foremost for us, and that's a two-way street for the NHVR. Our mantra is inform, educate, enforce. We use enforcement as the last choice. But education—both for light vehicle drivers and pedestrians, but also for drivers and operators as to how we all share the road safely—is key.

Mr EDMOND ATALLA: I've had personal experience with my daughter, who, after having her provisional licence for three days, was waiting to merge into the freeway. The truck coming behind her was blowing his horn for a very long time. She panicked and went out and was hit by another truck as a result. Are there any educational programs for heavy vehicle users on how to treat those with less experience on the road?

PAUL DALY: That's a good question because a lot of the education is always put on to the light vehicle drivers, and a lot of what we've heard today has been road safety from a light vehicle perspective. But there is a lot that goes on both at the NHVR and other organisations to maintain the education for drivers. For example, we do regular podcasts by truck drivers, for truck drivers. We find that those podcasts are actually best served because drivers are listening to them as they drive. As a former B-double driver, you've got a lot of time on your hands when you're out there. They tend to listen to those a lot more as they're driving along. In that area, we do talk about how to spot a nervous driver and how to make sure that you do give enough space to light vehicles. It is a two-way street that the NHVR looks at. A lot of our forward-facing—for want of a better term—campaigns are directed at light vehicle drivers and, at this stage of our campaigns, more younger drivers. But we also do a lot of work behind the scenes to inform operators and drivers about their obligations, but also their performance and useful tips on how to avoid situations, not just compliance.

The CHAIR: Further to your point, I remember the expansion of legalised articulation. Basically you could have two B-trailers—went from an A—one truck having either 22 or 34 pallets on it. Now some of them have got 44 pallets, which is one less truck on the road, with increased safety measures through the braking system. Looking at the trucks, I don't think there are too many 20-speed Spicer boxes or 18-speed Roadrangers running around. They all appear to be almost driving themselves. It's a long time since I've been behind the wheel. To your point, there's lots of time on your hands. You do get a lot of time sitting there. But with the new measures in some of these new vehicles and technology, are they also providing the safety measures? In my car, if I let go of the steering wheel, it'll lock up and go beep, beep, beep. Are there things like that in modern trucks today?

PAUL DALY: Yes, Chair. In fact, if you were to get back into a cab now, I think you'd be a little overwhelmed at the sensory experience you would have. Early in the piece there was almost a revolt from drivers saying, "There's too much. It's too noisy. It's too loud." But, as with anything, over time they have come to not only get used to it but rely on it. There are now vehicle swaying areas. It's lane identification. We have what's called FDDT—fatigue and distraction detection technologies—in the cab, which is a useful tool. It's not a preventer, but a useful tool in determining fatigue. Little micro naps—it'll go off if it feels that the driver is no longer looking at the road. It does a lot of work with eye movements and the like there. There is a lot of safety gear now in there.

Our Performance Based Standards vehicles, which are generally bespoke to the operator—it is a requirement that these vehicles have these safety technologies. If you as an operator at the moment, under the current law, are applying for advanced fatigue management, then there is requirements that you will have FDDT devices in the cab to alert the driver and the operator that a situation has occurred. It won't always necessarily prevent it, but it's a good first step, to go, "Driver's starting to feel a bit distracted by that, a little bit tired. It's probably time to stop and rest."

The CHAIR: I know a lot of that technology, from knowing cars. That probably works really well on the M31 or the M1. What about when you go west of the great divide? If you're on the Newell Highway or the Great Western Highway or the Golden Highway, does that technology work equally, the same?

PAUL DALY: Yes, it does.

The CHAIR: I draw an example like my car. If it drifts, it will beep beep beep beep, like I'm going too far—particularly my wife's car. But, if I drive out to see my parents in Dubbo, it doesn't actually work, if I go down the Dunedoo Road, for example.

PAUL DALY: A lot of this technology, Mr Chair, will actually take on what does the road look like, not necessarily the lanes within the road. But, if the road is only this big, it'll start to tell you if you've moved off the centre or if you've moved off the swept path that you need to be on. Those technologies that are in the trucks today are working just as well on the other side of the Great Dividing Range as they are on the M31.

Mr ROY BUTLER: Thank you, Mr Daly. Probably a bit of a change of pace, in terms of questions. I wanted to talk to you about roadhouses, places like Little Topar, Coombah Roadhouse. They're, obviously, closed now, which means that, if a truck driver's driving from South Australia through to, say, Cobar—they can get a shower at Cobar. They can get a feed at Cobar. Emmdale is an option. But, if Emmdale is not available to them or if it doesn't line up with their hours, that's a problem. How important is that for your professional drivers? Does it have a safety implication, the lack of shower and places to get a feed?

PAUL DALY: Thank you. It's an excellent question. It certainly has an impact on rostering and routes and how operators and then drivers go about that. We've been talking a fair bit with Transport for NSW, who's looking at rest stops in the main, not always a roadhouse but rest stops, and there are some rest stops, throughout New South Wales, that also include bathroom facilities, decent rest breaks. The gentleman who spoke earlier about the small cafe being open is also a very good opportunity. But the thing that deters most of our professional drivers is the ability to park safely.

As we move to longer, taller trucks, that's becoming—the rest stops we built 50 years ago are not designed for the weight, for the length. To further add issue there is, when our professional drivers do get there, they often find that it's got a couple of caravans parked up for the night, which is—they're not really there for that, but what are you going to do? So they are then forced to make a decision there. So we've been, as I said, working with Transport for NSW on their rest stops as a project. We're also looking at the next generation of trucks, which are now hydrogen and electric. These rest stops will need to include the ability to recharge the truck, as well as recharge the driver.

Mr ROY BUTLER: Can I just clarify. What I've read about that is that a battery pack would be forked off and forked on, as opposed to plugging and recharging.

PAUL DALY: There's quite a few options being put on the table. This also goes to a bit of the skill shortages we have here, of drivers, where younger people are looking for work-life balance, and they don't want to be away for a couple of days. So some operators are looking at an eight-hour shift, where you drive for four hours, drop your trailer, turn around, grab the other trailer from a person who's driven for four hours that way and go back from whence you came. Again, though, that needs the space of a decent rest stop. Whilst you're there, it would be good to have a decent rest, where you could go to the bathroom, maybe not need a shower on that occasion, but certainly get a decent feed. Rest stops are sort of the elephant in the room. We all know that it's something that's needed. But all we can do is advise on our recommendations.

We can certainly tell you how many trucks are going up and down the Hume and where that time limit comes in. I sat in front of the Queensland Parliament a couple of weeks ago to talk about the new legislation. There's a road up very far north that the local member up there was concerned about because you can only drive it at probably 30 to 40 kilometres an hour because of the corrugations and the conditions. That makes it very difficult for their drivers up there to actually sit within their fatigue times. The same sort of thing, I'm sure, happens in rural parts of New South Wales. But our concern is we can tell you where they should be, but we can't always get them on that spot. But if we can get them close, it certainly helps the game.

Mr ROY BUTLER: I think you can only put 19 metres over Bells Line of Road or Great Western Highway. Is that right?

PAUL DALY: Until 1 July. Then you can put 20.

Mr ROY BUTLER: So that is changing as part of the size changes, is it?

PAUL DALY: Yes.

Mr ROY BUTLER: So what are we going to?

PAUL DALY: Twenty.

Mr ROY BUTLER: So they've still got to decouple—

PAUL DALY: Yes.

Mr ROY BUTLER: —on the other side of the mountains? So huge inefficiency, which means there are going to be more 20-metre trucks going over Bells Line and Great Western. If you've ever been stuck behind a truck on Bells Line of Road, it's not the best.

PAUL DALY: I take your point. One thing we are doing in conjunction with the local road managers— as the national regulator, we deal with a little under 500 local road managers, all of which have varying expertise. Banana Shire Council doesn't have 15 engineers on deck that they can say, "Yes, we know exactly what that truck's going to do to our pavement and our bridges." But, with the changes to notices and to permits, we are working closely with them to see what we can do. This is a wonderful opportunity for us to speak with those local agencies and say, "Our research is getting better. We now know exactly what pavement damage is or isn't being done. We know what the additional size and height and width and tyre size is going to do to that pavement. It's up to you." Unfortunately for the NHVR, we don't get to say yes or no on these things. It is the local road manager because, at the end of the day, they pay for the maintenance.

The CHAIR: Is that the council traffic committees?

PAUL DALY: I missed what you said.

The CHAIR: Do you mean the council traffic committees?

PAUL DALY: Local councils—the ones that own their own roads?

The CHAIR: Yes.

PAUL DALY: We have to get permission from them. We have general access, which goes everywhere. But then for B-doubles, for example, we need to build a route and then have each local council approve that route through their roads.

Mr ROY BUTLER: Obviously those routes are inefficient to get trucks over. There's about to be a huge amount of money spent upgrading the Golden Highway, which is related to REZs. I'm not going to have a discussion about REZs because that's a whole other thing. But, from a safety perspective, would you see that those B-doubles could use the Golden Highway, then join up with the Hunter Expressway and then on into Sydney through the—

PAUL DALY: I would expect that, if there is an upgrade of the highway or of the road to a level that's considered, then, yes, that would make perfect sense. One thing we're doing through our National Network Map and also through Austroads—the jurisdictions are building the National Automated Access System, the NAAS. We will actually be able to do that a lot smoother and get quicker approvals but also more approvals based on the quality of the roads, the quality of the vehicles and the damage. And I use that term not in a dramatic sense but just the wear and tear that trucks do put onto roads, culverts, bridges.

Mr WARREN KIRBY: Given that truck drivers are in the truck to make money—that's the whole purpose of moving heavy vehicles—is there any correlation between the different methods of remuneration and vehicle accidents? I ask this with the background that I have some truck drivers in my family. Some people are paid by the load; some people are paid by the hour. Is there any correlation between unsafe driving practices and wage incentives for truck drivers?

PAUL DALY: That's an excellent question, and one I certainly couldn't answer right here, right now.

Mr WARREN KIRBY: I would be happy for you to take it on notice.

PAUL DALY: I don't know if we have done any research into that, but I can certainly take it on notice to see if we've got any data on that. It's not one I could answer straightaway. But you're absolutely correct. There is a bevy of ways in which operators and drivers work together. Some are owner-operators and do their own thing; some do it by the payload; some are paid an hourly rate et cetera. But whether or not that has a correlation with accidents, I couldn't say right here.

Mr WARREN KIRBY: Is it possible to take it on notice?

PAUL DALY: I am happy to take that on notice to see what's what.

Mr WARREN KIRBY: I ask it because anecdotally among drivers, some people say that mud haulers, for example, who get paid per load, have a tendency to drive more aggressively on roads in metropolitan Sydney. I don't know whether that is the same out in regional areas.

PAUL DALY: It would be a percentage, I think, because some of the issue we have is—and we spoke about it earlier with the data—getting data that shows the causation of the incident is not always clear. We're working to get better at that with other jurisdictions. But, in many cases, if there's a truck involved, there's not always the understanding that shows us concretely what actually caused the incident. Because, in the main, we don't tend to do the investigation of that ourselves. That's generally done by the local police once an accident has occurred in that fashion. But it's a valid question, and I'm happy to take it on notice.

Mr WARREN KIRBY: I just think it would be interesting to pull the two together to see whether there is a relationship between the way that someone is paid and whether that incentivises unsafe driving practices. I just don't know. The other question I have, which is completely removed from that, is in regard to freight. There are conversations about whether Inland Rail should take on some of the load for freight. Do you have an opinion on that?

PAUL DALY: I do. I'll preface it by saying that I have a background in rail. I spent nearly a decade in rail, so I've seen both sides of heavy and very heavy vehicle transport. Yes, it certainly has a role to play. Trucks will always be necessary to do a job. First to last mile will always be a truck. We've seen fanciful attempts at drones in some places around Australia, and that's many, many years away from happening. But trucks will always have a role to play. Decent rail with distribution centres will complement and make it far easier to move goods around the country. I don't think I'm saying anything controversial or earth-shattering in that space. We are working quite closely with ARTC on a variety of matters, including level crossing issues, to make sure that trucks can roll safely over level crossings. As they get longer and taller and have different traction and speeds with which they can get through, we work closely with them.

To your question, Inland Rail will play a major part in moving freight from one distribution centre to another, but the trucks, the heavy vehicles—whether they're 4½ tons, six tons or 50 tons—will then move it to a lot of the areas. To your REZ situation, it'll be very difficult to use Inland Rail to move the many thousands of blades that are going to be needed in the various wind farms that are being built across the country. There is still a very large role for heavy vehicles to play, but we would see Inland Rail and rail in general stepping up and playing a larger part.

Mr ROY BUTLER: My question is probably a bit selfish because it's about Barwon. It's in regard to rail crossings. As an example, there's a stretch of rail that comes through the town of Nyngan. There are three level crossings. Two of them have lights and warnings; one of them has nothing but a stop sign. The trains can go through there at 80 kays an hour. Have you got any comment on the consistency of the application of warning devices on level crossings?

PAUL DALY: We've been working very closely with rail industries and the Office of the National Rail Safety Regulator for quite some time but primarily—from New Year's Eve last year, you may recall the fatal crash between a Pacific National train and a B-double just on the border of New South Wales and South Australia. It was a tragic incident where a couple of train drivers lost their lives to that. Since then, a light has been shone very brightly on level crossings in the main—whether it's light vehicles, pedestrians or, indeed, trucks—and there is a lot more that can be done to make them a lot safer.

Passive level crossings—the ones with nothing but a stop sign and of which there are many, many more than there are active level crossings—do require more signage, in my opinion. The Australian standards are currently working on revamping the standard for that to ensure that. That's one of the findings that came out of that incident. The ultimate option is to remove them all, but the reality is we can't. So how do we make them as safe as we possibly can? That is, where humanly possible, in my opinion, putting active level crossings with flashing lights and boom gates at every turn, but also in planning better the sequence of traffic lights and roads that come off of level crossings.

In many instances, and in a recent report done by the ATSB, heavy vehicles were disproportionately involved in level crossing incidents, and the vast majority of that was them not being able to get off of the level crossing. Lights have gone off, the boom gates have gone up, they've moved forward but the traffic lights 150 metres up the road are red and everything's pushed back, and they've not negotiated the level crossing properly. That's another probably 45- to 50-minute conversation we could have on that. It's consistency across that but also better planning in how the streets that come off of level crossings are designed and also understanding the types of trucks that are going to be going through there, because we do have some that are a bit longer and a lot more—they're what's called oversize/overmass, or OSOM, vehicles that are sometimes needed because the level crossing is on the street that goes into the manufacturing precinct.

Mr ROY BUTLER: I used to organise all your police escorts in the western region.

PAUL DALY: There you go.

The CHAIR: With there being no further questions, Mr Daly, thank you very much for your time and for your very constructive and valuable contribution and the work you do as the regulator. This inquiry is something that all of my colleagues are very committed to for many of the reasons that you work hard, along with your organisation. You'll be provided with a copy of the transcript from today's proceedings for any corrections that you may have. The Committee staff will also email any questions that were taken on notice from today and any supplementary questions from the Committee after this meeting. We kindly ask that you return these answers within seven days of receiving the questions. Again, thank you for taking the time and coming to address our Committee today.

PAUL DALY: Thank you, Mr Chair.

The CHAIR: That concludes our public hearing for today. I again place on record my thanks to all the witnesses who appeared today. In addition, I thank Committee members, Committee staff, Hansard and staff of the Department of Parliamentary Services for their assistance in the conduct of today's hearing.

(The witness withdrew.)

The Committee adjourned at 16:20.