

**AUSTRALIAN ROAD RULES  
FIVE YEAR EFFECTIVENESS REVIEW**

**REPORT**

**March 2007**



**National Transport Commission**

**Prepared by:** Metropolis & Associates Pty Ltd  
(Consultants)

*National Transport Commission*

**Australian Road Rules – Five Year Effectiveness Review**

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## REPORT OUTLINE

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## FOREWORD

The National Transport Commission (Commission) is an independent body established under the *National Transport Commission Act 2003*. Pursuant to the 2003 Inter-Governmental Agreement for Operational Reform in Road, Rail and Intermodal Regulatory Reforms, the Commission has an ongoing responsibility to develop, monitor and maintain uniform or nationally consistent regulatory and operational reforms relating to road, rail and intermodal transport to improve safety, productivity and environmental outcomes.

The Commission's predecessor, the National Road Transport Commission, developed the Australian Road Rules which provide a set of model road rules that were approved by the Australian Transport Council in 1999 and implemented in all States and Territories by the end of 2000.

Under the Inter-Governmental Agreement, the Commission is required to monitor the Australian Road Rules to ensure they are maintained and remain relevant and effective, and are meeting the needs of States and Territories and the community generally. The Commission undertakes five and ten year reviews of all its reforms to report on their effectiveness. This report sets out the findings of the five year effectiveness review for the Australian Road Rules, and complements a previous report by an independent consultant (NTC, 2003) which identifies the extent to which individual rules were adopted in legislation in each State or Territory.

Given the relatively short time since the Australian Road Rules were adopted in States and Territories, and the complex nature of crash causation, this review is not able to include an assessment of the Australian Road Rules' effectiveness from a road crash perspective. Rather, it focuses on whether road agencies and other key stakeholders believe the Australian Road Rules are achieving the objectives for which they were established and examines the issues that they have identified concerning the Australian Road Rules and their interpretation.

Some stakeholders also raised concern about the inconsistencies in regulatory requirements that apply to novice drivers as they traverse borders, especially relating to speed limits. Although these are not matters for the Australian Road Rules, they are issues for licensing authorities and remain unresolved. Further differences between jurisdictions in the number of hours a young driver is required to have driven before progressing from a learner permit to a probationary or provisional licence, and these differences would not appear to be justified and are of great concern. Again, these are matters that need to be resolved between licensing authorities in all States and Territories.

I take this opportunity to thank the officers in various State and Territory road agencies and industry groups for their assistance with this review. I would also like to acknowledge the work undertaken by the consultants Metropolis & Associates Pty Ltd and of the Commission's Project Manager, Greg Deimos, in the preparation of this report.

Michael Deegan  
Chairman



# SUMMARY

## Introduction and Background

This review is an assessment as to whether the objectives of the Australian Road Rules have been achieved. These objectives are stated in the Australian Road Rules Regulatory Impact Statement November 1998:

- introduce uniform regulations throughout Australia for all road users;
- enhance mobility and safety by updating and simplifying traffic regulations; and
- reduce costs and achieve administrative efficiency on a national basis.

The extent to which these objectives have been achieved cannot be measured statistically because the previous extent of non-uniformity in individual road rules is not known, and it would be extremely difficult, if not impossible, to measure the effect rule changes have had on safety and mobility. Rather, assessments are limited to the extent to which key stakeholders in each State and Territory believe the objectives have been achieved.

## The Need for the Australian Road Rules

Prior to the adoption of the Australian Road Rules, some road rules varied between State and Territories. Drivers accustomed to road rules in one State or Territory were faced with variations when they drove in another. This caused driver confusion with the potential to impact on road safety and transport efficiency. Many driving laws are also linked to standards that apply for vehicles and licensing requirements. Therefore, the need for the Australian Road Rules was seen as complementary to the development of uniform rules governing the standard of vehicles permitted to use roads throughout Australia, reforms that were progressing separately.

## Results of the Review

The review has found that a majority of stakeholders believe substantial progress has been made toward achieving the objectives for which the Australian Road Rules were produced. Most agree that significant steps have been made toward achieving uniformity of road rules but acknowledge that the desire for rules to be written in plain, understandable language has suffered in many instances because of the need to ensure they are legally robust. It is generally accepted that the scope of rules and their coverage of the way roads (including paths) are used, is adequate and meets the needs of users, including industry. However, the majority also agree that further work is required in areas where local law variations are permitted under the Australian Road Rules and to clarify several rules that could be drafted in less complex ways. Of the thousand or so rules and subrules, there are 86 that allow another law of a jurisdiction to apply as a variation to the preferred rule or subrule. This is an issue that the National Transport Commission is currently working on.

An additional issue is that even though particular rules have been agreed to be adopted, several States and Territories have delayed commencement because infrastructure changes need to be first made. For instance, the Australian Road Rules ban the crossing of two continuous parallel dividing lines to enter or leave a road, which in some States or Territories was not previously an offence. Western Australia has many hundreds of kilometres of these lines. For the Australian Road Rules to be adopted, gaps need to be

created in the lines allowing turning at select places. Rather than remove the existing lines at a very high cost, Western Australia has opted to create gaps by not remarking lines during regular maintenance. Creating gaps in this way takes several years and once it is achieved the relevant rule will be implemented. It appears that other State and Territories are similarly transitioning the introduction of other rules. This process delays the achievement of national uniformity.

Stakeholders are almost equally divided on the issue of the Australian Road Rules reducing costs and improving administrative efficiency. Those who believe it has increased costs advise that the process of having to seek national approval to rule changes delays implementation of reforms and adds to cost. The contrary view by several is that the drafting of rule changes and preparation of Regulatory Impact Statements by the National Transport Commission saves costs to States and Territories. One road agency suggested an advantage of national road rules is that drafts of rules and amendments receive much wider scrutiny than would be the situation in a single State or Territory. This minimises the potential for further amendments being required at a later time.

While most stakeholders concur that the Australian Road Rules has contributed to improved safety and mobility, it is agreed that this cannot be quantified for a number of reasons including:

- crash causation is complex and it is not possible to measure the effect of having common road rules particularly when it is not known what rules changed in each State or Territory with the advent of the Australian Road Rules; and
- improved mobility is not measurable in the context of rule changes.

Most agree that the use of examples and signs for many rules in the Australian Road Rules has improved the understanding of road rules by agency personnel in particular. While they are likely to have improved the understanding of road rules by the community generally, stakeholders believe that the community mostly relies on States' and Territories' supplementary publications interpreting the rules, rather than the Australian Road Rules themselves.

Several State and Territories raised concerns about the structure of the Australian Road Rules in relation to the places to which they apply. The Australian Road Rules includes rules that govern use by pedestrians and vehicles in two areas, being roads and road-related areas. The former is reasonably clear as being an area open to and used by the public that is developed for, or has as one of its main uses, the driving or riding of motor vehicles. The second, road-related area is not as clear as it includes places such as dividing strips, nature strips, and shoulders of roads and areas that are not roads but are open to the public for driving, riding or parking of vehicles. 'Road-related area' appears to have replaced the concept of public street that most States and Territories apparently used in primary legislation prior to the Australian Road Rules. However, there is the option of declaring such areas exempt from operation of the rules. Those expressing concerns believe that the use of 'road-related area' has not added any value to the achievement of the original objectives and it only confuses practitioners who need to interpret rules and their application.

Western Australia, which is yet to adopt the concept of road-related area, but has adopted the Australian Road Rules by integration of the rules into its traffic regulations, has not indicated any dis-benefits with maintaining the concept of public street.

Those who support the use of 'road-related area' consider that while the concept may not have added clarity to rules or improved safety or enhanced enforcement, it is now firmly entrenched in legislation (including other national reforms) and there is no obvious benefit in reverting to the concept of 'public street'. In addition the cost of changing back would be very high and is not able to be justified.



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## 1 INTRODUCTION

Part of the National Transport Commission's mandate is that national reforms undergo an effectiveness review every five and ten years (the timing agreed by Transport Agency Chief Executives from all Australian States and Territories). The Commission included a five year review of the Australian Road Rules in its 2006/2007 work programme and engaged an independent consultant (Metropolis and Associates Pty Ltd) to undertake the review.

This review report provides an assessment of whether the objectives of the Australian Road Rules, from a stakeholder's viewpoint, have been achieved. It is not a qualitative assessment per se, of whether the adoption of the rules is achieving statistical improvements in road safety throughout Australia. Rather, it is a report of the extent to which key stakeholders in each State or Territory believe that the adoption of uniform road rules throughout Australia has been advantageous to safety and transport efficiency and is meeting the needs of States and Territories. This report follows a 2003 implementation evaluation report conducted by an independent legal consultant to the National Transport Commission to identify the extent to which States and Territories had implemented the Australian Road Rules in their own legislation (*Implementation of the Australian Road Rules March 2003*).

## 2 BACKGROUND

### 2.1 National Transport Law Reform

In the early 1990s the Council of Australian Governments signed a number of agreements aimed at achieving national uniformity in road regulation. They included the Heavy Vehicles Agreement in 1991 (establishing a national heavy vehicle registration, regulation and charging scheme) and in 1992, the Light Vehicles Agreement (aimed at establishing uniform road regulation for all other road users). The Light Vehicles Agreement facilitated the development of various initiatives such as the National Driver Licensing Scheme, National Vehicle Standards Regulations and the Australian Road Rules.

### 2.2 Objectives of the Australian Road Rules

In agreeing to the need for a uniform set of major rules that regulate the way roads are used throughout Australia, the objectives of these rules were also agreed by the Australian Transport Council (Regulatory Impact Statement NRTC 1998). They were to:

- introduce uniform regulations throughout Australia for all road users;
- enhance mobility and safety by updating and simplifying traffic regulations; and
- reduce costs and achieve administrative efficiency on a national basis.

### 2.3 Development of the Australian Road Rules

In 1993 the National Road Transport Commission established a working group, the Australian Road Rules Drafting Group, comprising representatives of all State and Territory roads and traffic authorities with the task of developing a set of road rules that

could be uniformly applied throughout Australia. The working group was chaired by the Commission which also provided administrative support. A key parameter of the rules was that they be written in ‘plain language’ and easily understood by most readers. However, as the rules developed it became clear that some sacrifice in plain language was necessary to ensure they were legally robust.

The Australian Road Rules Drafting Group was supported by the expertise of the Australian Government’s Office of Legislative Drafting which drafted the rules under the policy direction of the Group. In essence, the Australian Road Rules is a compilation of laws that relate to ‘best practice’ in road safety and traffic operations in States and Territories. The process leading to adoption of the Australian Road Rules included:

- community consultation by individual road agencies;
- general public comment sought in 1995;
- endorsement by Transport Agency Chief Executives; and
- final approval by the Australian Transport Council.

The Australian Road Rules were approved by the Australian Transport Council in 1999. All States and Territories other than Australian Capital Territory (March 2000) and Western Australia (December 2000) adopted the Australian Road Rules in their own legislation either by reference or by assimilation into existing law on 1 December 1999.

### **2.3.1 Another Law of a Jurisdiction Provision**

The Australian Road Rules allow States and Territories to apply local variations to a number of rules to cater for local circumstances that are different to the norm. Most variations are to minor rules and this does not appear to substantially impact on road safety. These variations are catered for by inserting in the particular rule words like “unless permitted under another law of a jurisdiction”. There are 106 places in the Australian Road Rules (rules, notes and dictionary) where another law of a jurisdiction is mentioned. Of these, 86 are in individual rules, 14 are in definitions and six in notes. These provisions were included at the request of States and Territories and despite an ongoing program to reduce the number of variations in rules, some laws of a jurisdiction provisions will always be required to cater for unusual local circumstances.

### **2.3.2 Australian Transport Council Voting Procedure**

The Australian Transport Council is the forum to which the National Transport Commission submits its reforms for approval. One aspect of the National Transport Commission’s Inter-Government Agreement is that decisions by the Australian Transport Council are on the basis of majority vote and once taken, they are binding on all States and Territories. However, where there was good reason not to adopt a particular rule, an exemption to adoption may be sought from the Australian Transport Council. These matters are addressed in the *Implementation of the Australian Road Rules March 2003* report albeit that the situation regarding the status of some rules has apparently changed in some States and Territories. The Australian Transport Council also accepted that rules could be implemented at a later time if it was necessary to make infrastructure changes or conduct extensive community education programmes before implementation. A typical reason for later implementation of a rule or rules included that physical changes to signs and road markings were necessary and it would take time to complete that work.

## 2.4 Maintenance of the Australian Road Rules

In approving the first edition of the Australian Road Rules the Australian Transport Council also agreed to processes for maintaining them so that they remained current and relevant, meeting the needs of road users and States and Territories. Accordingly, the National Transport Commission established the Australian Road Rules Maintenance Group with jurisdictional representation similar to that of the Australian Road Rules Drafting Group (although there have been changes in individuals). Membership as at October 2006 is shown at Appendix 1.

Recommendations to the National Transport Commission from the Australian Road Rules Maintenance Group on what amendments are necessary are made on a majority vote basis with the representative of the relevant road authority being the voting member of each State or Territory (one vote per jurisdiction).

The process for maintaining the Australian Road Rules provides for both urgent and routine amendments, all of which require approval by the Australian Transport Council.

Proposals by States and Territories to amend rules or include new rules are considered by the Australian Road Rules Maintenance Group. They require supporting information including reasons for amendment or inclusion and the anticipated safety and financial impact of the proposal. Once a rule change is recommended by the maintenance group, the National Transport Commission arranges appropriate draft rule amendments and preparation of a Regulatory Impact Statement. These documents become the basis for community consultation, with the National Transport Commission collating feedback. Subject to general community acceptance, the National Transport Commission arranges the submission of papers to Transport Agencies Chief Executives for comment and subsequently to the Australian Transport Council for approval. Once changes are approved, States and Territories introduce corresponding amendments to their own legislation. Appendix 2 shows the processes followed in relation to amendments.

Various amendments have been made to the Australian Road Rules since the Rules were originally agreed. These amendments were to cater for new engineering devices, changes in standards for signs and road markings, removal of drafting ambiguities and road user behaviours that had previously been overlooked.

## 2.5 The Review Process

The objectives of the Australian Road Rules are high level objectives and while this review sought to obtain views on whether they have been achieved, it also has sought views on a range of related issues. These include whether agencies and the community generally consider the rules are adequate, appropriate, easily understood and are meeting their needs.

This review is based on the opinions of key stakeholders relating to whether they consider the Australian Road Rules are meeting their needs and specifically, whether they are meeting the stated objectives. Views were obtained from:

- responses to a questionnaire sent to all road agencies and other stakeholders;
- a workshop held with the Australian Road Rules Maintenance Group; and
- e-mails from the Australian Road Rules Maintenance Group.

Appendix 3 is a copy of the questionnaire and Appendix 4 is the list of stakeholders (other than the Australian Road Rules Maintenance Group) to whom the questionnaire was sent by the National Transport Commission.

### 3 ASSESSMENT OF EFFECTIVENESS

Of 26 key stakeholders identified by agencies (Appendix 4) whose views on the Australian Road Rules were sought, 12 responded in detail, two advising only that the Australian Road Rules are meeting their needs and two advising that because their organisation was essentially a coordinating body, they had no view. While some Australian Road Rules Maintenance Group members submitted separate views most did not provide a personal opinion but left the response to the agency they represent. However, Maintenance Group members' collective views were obtained through the workshop.

#### 3.1 Questionnaire Responses

The questionnaire was designed to elicit views about individual objectives and the general suitability of the Australian Road Rules in meeting community needs.

All road authorities responded. No formal responses were received from police departments (however, police representatives on the Australian Road Rules Maintenance Group indicated general support). Views about the performance of the Australian Road Rules based on the questionnaire are summarised in the following tables with numbers in the boxes representing the number of respondents choosing the particular preference. The stakeholders' selections and supporting comments where provided, are discussed in section 3.2.

**Table 1: Are the objectives in the Australian Road Rules adopted in your jurisdiction being achieved?**

		Strongly Agree	Agree	Unsure	Disagree	Strongly Disagree
a)	Achieving uniformity nationally	1	9	-	2	-
b)	Enhancing mobility and safety by simplifying regulations	-	5	5	2	-
c)	Reducing costs and administrative efficiency	-	4	5	3	-

**Table 2: Are jurisdictional and community needs being accommodated by the Australian Road Rules?**

		Strongly Agree	Agree	Unsure	Disagree	Strongly Disagree
a)	Making laws more appropriate	1	8	2	1	-
b)	Making laws more easily understood by agencies	-	6	4	2	-
c)	Making laws more easily understood by the community generally	-	4	3	4	1
d)	Overcoming concerns that previously existed	-	7	4	1	-
e)	Leading to safer road behaviour	-	5	6	1	-

**Table 3: Is there room for improvement or need for change regarding structure, scope and complexity? Specifically:**

		Strongly Agree	Agree	Unsure	Disagree	Strongly Disagree
a)	Is the structure of the Australian Road Rules adequate (eg layout of Parts, Divisions and Rules and what they include)?	1	7	2	1	-
b)	Is the scope of the Australian Road Rules adequate in terms of behaviours it addresses?	-	8	2	1	-
c)	Is the scope of the Australian Road Rules appropriate in terms of where it applies (eg roads and road-related areas)?	-	4	2	4	1
d)	Are the Australian Road Rules too complex?	-	5	2	4	-

*Note: Table 3 includes responses from only 11 stakeholders since one stakeholder responded only to questions in tables 1 & 2.*

### 3.2 Questionnaire Results

The preferences and comments contained in returned questionnaires show that the majority of respondents believe most objectives of the Australian Road Rules have been achieved. Several tempered their agreement with the comment that further work is required to reduce the number of variations in rules. One observation was that the Australian Road Rules has been prepared with wide community input and it retains the legacy of a sound framework for maintaining rule consistency and national uniformity. The following is a detailed analysis of responses from stakeholders to questions asked.

### 3.2.1 National Uniformity

Respondents mostly (over 80%) agree that the objective of national uniformity has been achieved although that many acknowledged there are a few differences in rules that detract from this achievement. The main reasons given for the differences are:

- A. That they are due to another law of a jurisdiction provision that applies in various rules.
- B. That several States are delaying implementation of certain rules to lessen costs.
- C. That several States or Territories have gained exemptions from the Australian Transport Council to implementing particular rules.

While the differences mentioned in A, B and C seem substantial in number, they are relatively few in relation to the more important rules (giving way, obedience to traffic signs and traffic lights) and most appear to have little potential adverse impact on road safety. It is also noted that most States and Territories (including motoring organisations, tourist advice outlets and other road safety-related websites) advise drivers to check with particular authorities about rule variations when travelling interstate. This mechanism appears to address most important differences although it is not able to be quantified.

#### Another law of a jurisdiction

In category A (above), as mentioned in section 2.3.1, there are 106 places in the Australian Road Rules (rules, notes and dictionary) where another law of a jurisdiction is mentioned. The rules in which the phrase appears do not involve requirements to give way or obey traffic signs or signals which are important for road safety. Variations in definitions also do not appear to be of significant safety concern while notes have no force in rules and are for explanatory purposes only.

However, it is noted that the National Transport Commission has commenced a review of variations allowed by another law of a jurisdiction to remove as many as possible. Nevertheless, it is acknowledged there will always be variations in some minor rules because of local circumstance. For example, rules about exemptions to driving in special purpose lanes (rule 158) such as bus lanes, includes another law of a jurisdiction provision. The normal situation (rule) is that bus lanes are for use by buses only but States and Territories may allow other vehicles to use bus lanes by information shown on BUS LANE signs. However, one road agency allows motorbikes to use bus lanes without showing that information on signs, and it is for this reason another law of a jurisdiction is used.

#### Delayed implementation

Category B differences include rules that States and Territories have delayed adopting because of the cost of infrastructure changes. For example, prohibitions on U-turning and right turning across certain dividing lines (rules 132 and 134) has been delayed for several years in two States to avoid the high capital cost of immediately implementing changes to existing dividing lines. The States concerned have indicated that physical road marking changes are to be undertaken as part of maintenance programs over several years and when this is completed, the rules will be fully adopted in this regard.

#### Exemptions to rules

Category C differences are where State or Territories has sought and obtained exemption to adoption of a particular rule. An example is U-turning at traffic lights being disallowed unless there is a *U-turn permitted sign* (rule 40). One State (Victoria) has obtained

approval of the Australian Transport Council to not adopt the rule but rather allow U-turning except where *No U-turn* signs are erected at the traffic lights. This is a sign-restrictive rather than sign-permissive approach to U-turning at traffic lights. Another example was the introduction of a 50km/h built-up area default speed limit. While the Australian Road Rules originally set this limit at 60km/h, these States wanted a 50km/h limit and sought an exemption from the rule by the Australian Transport Council. In recent years all States and Territories agreed that the 50km/h should be applied nationally resulting in the Australian Road Rules being amended.

#### Other Issues

Other issues identified by respondents as detracting from uniformity include the following:

- Penalties for breaches of rules vary

*The Australian Road Rules do not attempt to proscribe penalty levels that would be required to be implemented in all jurisdictions. This is because the States and Territories take different approaches to denoting penalty in their legislation and fine values for road rules breaches must be proportionate to the penalties applicable to other comparable offences in each jurisdiction. Penalty levels are set by jurisdictions under their own penalty frameworks and as such it is inappropriate for the Australian Road Rules to dictate the level of penalty as this could cause considerable conflict between the Australian Road Rules and the jurisdictional framework. The level of penalty does not impact on the objectives of the Australian Road Rules. Accordingly, this review proposes no recommendations for harmonisation of penalties.*

- Parking restrictions vary between States and Territories

*A finding of the review was that it identified disparities in parking rules result from 'the law of a jurisdiction' provision contained in some of the rules. The Australian Road Rules Maintenance Group is already looking at removing some of the usages of the 'law of jurisdiction' exception through the maintenance process. Stopping in loading zones, stopping on nature strips and on paths appear to be the main issues, however, it is not considered that these disparities create a road safety issue, whereas they do appear to meet local community needs. At this stage, pending further examination of the continuing need for such exceptions, this review proposes no recommendations in relation to parking provisions, other than to continue the review of the 'law of jurisdictions' provisions throughout the Australian Road Rules.*

- Driver training and licensing requirements differ between States and Territories

*The disparities identified in driver training and licensing requirements raise particular issues for drivers, however these are not matters for this review, but are matters for consideration by driver licensing authorities in a jurisdictions. Accordingly, no recommendations are proposed.*

Despite a number of disparities as outlined in the foregoing, most respondents to the survey acknowledge that the Australian Road Rules have clearly advanced road laws within Australia. It is further mentioned that the maintenance processes and the review by the National Transport Commission of another law of a jurisdiction variations will make the rules even more uniform over time. One road agency advised that the development of the Australian Road Rules provided an opportunity (that might not have otherwise been viable), for it to review and update its rules and remind members of the public about a whole range of rules about road safety.

### **3.2.2 Mobility and Safety**

The majority of respondents either agree with, or are unsure of whether the Australian Road Rules enhances safety and mobility. Those who indicated uncertainty or disagreement cited one reason as being that they are too difficult to measure. For instance, crash causation is complex and it is too difficult to extract the degree to which road safety has been enhanced by having national road rules, particularly when most States and Territories apparently changed only a handful of rules to comply with the Australian Road Rules. One respondent suggested that in attempting to make rules in plain language the number of individual rules has increased and the number of offences that need to be catered for on databases have increased, consequently making their situation more complex. This appears a valid short term concern. However, most agree that the Australian Road Rules has simplified the majority of State and Territory regulations that pre-existed and made them clearer. The use of examples and diagrams has made individual road rules clearer, particularly for practitioners (including traffic engineers and police). Perceptions by some are that mobility has not been affected by the introduction of the Australian Road Rules other than visitors being apparently comforted by the knowledge that road rules are uniform across Australia.

### **3.2.3 Costs and Administrative Efficiency**

Less than half of respondents consider that preparation of the Australian Road Rules has reduced costs and improved administrative efficiency. Several acknowledged that there have been savings in State or Territory Parliamentary Counsels' drafting time, and hence drafting costs, the preparation of the Australian Road Rules and amendments. The National Transport Commission preparing the regulatory impact statement has also saved agency costs. One respondent suggested that a cost saving advantage of the Australian Road Rules is that the processes of preparation and maintenance of the rules has ensured they receive far greater scrutiny for accuracy and impact than previously. This initial wide scrutiny minimises the potential for subsequent amendments being required, and costs are therefore being saved. Another respondent advised that the preparation of the Australian Road Rules and its maintenance has assisted with making local processes for amending legislation more efficient and cost saving. However, a contrary view is that the process of having to seek national approval to rule changes causes delay and reduces administrative efficiencies at the local level.

### **3.2.4 Meeting Community Needs**

Three quarters of respondents believe that the Australian Road Rules has made rules more appropriate to community needs. For instance, the Australian Road Rules maintenance process has identified that there is a deficiency in the permissible unladen mass of motorised wheelchairs of 110kg (rule 288) for them to be able to ride on paths. This mass does not match the majority of wheelchairs that are in use today. They are much heavier and therefore legally they cannot be ridden on any path. Examining this issue from a national perspective through the Australian Road Rules maintenance process will ensure these particularly vulnerable user groups' interests are considered.

Two respondents were unsure as to whether the Australian Road Rules has made laws more appropriate and only one respondent (representing motorbike users) disagreed giving reasons that the Australian Road Rules do not provide for shared paths for motorbikes and bicycles and focus on motor cars, and do not adequately consider the needs of motorbike riders.

The provision of shared paths for motorcycles and bicycles is not a matter for the Australian Road Rules Maintenance Group to consider unless it is operational practice desired by States and Territories. The maintenance strategy does not establish operational policy, and sharing of paths by motorbikes and bicycles has not been identified as a practice accepted in any State or Territory. On the second issue that there are inadequate laws on the needs of motorbike riders, the Australian Road Rules refers to a driver and this includes a rider of motorbikes (unless otherwise stated). The rules accordingly apply to both motorbike riders and car drivers alike with a few exceptions. The exceptions are that motorbike riders are:

- not required to keep to the far left of a road the same as cars are required to do (rule 129);
- allowed to ride alongside another motorbike (rule 151);
- permitted to ride in transit lanes that are normally reserved for high occupancy vehicles (rule 156); and
- required to wear an approved helmet (rule 270).

There is consequently no evidence to suggest that the Australian Road Rules discriminates against motorbike riders.

Of particular concern is that one jurisdiction commented “*..it has been difficult to enforce appropriate national regulations due to the vast differences in social factors compared to other jurisdictions. In this respect the ARR's are not always accommodating the need of specific communities.*” This suggests that some rules are not appropriate to particular communities; however, these issues need to be identified and pursued as changes to the Australian Road Rules, if necessary, through established processes.

### **3.2.5 Understanding by Agencies**

One half of respondents consider the Australian Road Rules has improved the understanding of road rules by agency staff. The use of examples and diagrams in rules that were not previously included in most legislation is cited as assisting this understanding. One State advised that the advent of the Australian Road Rules and the maintenance process has enabled it to have input to rules at the drafting stage and this assists their understanding of them. One third of respondents are unsure while one sixth disagree that laws are more easily understood by agency personnel. Use of the term road-related area is mentioned as a concept that many people do not understand. The respondent from Tasmania advised that there have been few court convictions that have not been successful and this is generally an indicator of the understanding by police of rules and their legal accuracy generally. The overall view is that the Australian Road Rules represents an improvement on previous rules.

### **3.2.6 Understanding by the Community Generally**

One third of respondents believe that the advent of the Australian Road Rules has made rules more easily understood by the community generally. A quarter of respondents are unsure and just over half disagree. Most who agree cite the use of diagrams and examples in rules and the broad community consultation and advertising programs as having assisted community understanding of rules. One State advised that there have been less enquiries

about interpretation of laws and this is likely to indicate the community understands the road rules generally better than prior to the Australian Road Rules.

Those respondents who are unsure suggest that the Australian Road Rules has not caused less understanding of road rules. Those who disagree (one strongly disagreeing) consider that the rules are complex and the general public do not read or refer to rules directly but rely on interpretations provided in road user guides published by their road agency. They suggest that ensuring the Australian Road Rules is legally robust has diminished the ability for most community members to understand them. One respondent considers that the laws are in legal jargon and poorly understood by the average driver. The use of the term road-related area is a concept that many find confusing. One suggested that as the Australian Road Rules is extensive and complex and a reference guide would be a useful publication that should be developed nationally (see also section 6.6). The overall perception is that the Australian Road Rules represents an improvement over previous legislation but falls short of being easily understood by the broad community.

### **3.2.7 Overcoming Previous Concerns**

Concerns that previously existed in relation to road rules appear to relate to different rules between States and Territories for similar situations and that the scope of rules in most places fell short of covering a growing list of road-use behaviours. The use of scooters, skates and the like were examples not covered in most States and Territories and rules governing behaviours required by some traffic signs and road-markings varied. More than half of respondents believe that the Australian Road Rules has addressed these concerns. One third advised that they were unsure. The one respondent disagreeing cited the law of a jurisdiction issue as being a significant impediment to overcoming previous concerns.

### **3.2.8 Influence on Road-Use Behaviour**

Almost half of the respondents believe the Australian Road Rules has led to safer road-use behaviour even though it cannot be statistically verified. Half of the respondents advised they are unsure. Those who agree mention, as an indicator, that visitors and tourists driving between States and Territories indicate no problems with consistency of most rules. One disagreed on the grounds that there remain too many inconsistencies in rules caused by another law of a jurisdiction and its application is evident when driving in several States or Territories. U-turns at traffic lights is cited as an obvious example. It is permitted as the norm in Victoria but illegal in all other places. It seems that drivers from Victoria are those at greater risk when driving in other places (if they undertake U-turns) than would visitors to Victoria unless they were aware of the rule difference.

### **3.2.9 Structure and Rules Coverage**

Two thirds of respondents believe (agree or strongly agree) the structure of the Australian Road Rules and its coverage of road use by rules is appropriate. Two respondents (one sixth) are unsure, while one disagreed on the basis that several important rules such as seatbelt laws are unclear. It was suggested that some changes to seatbelt rules recently approved by the Australian Transport Council will exacerbate the situation, for example, the agreed change to responsibilities of drivers for passengers to wear restraints. From a readability viewpoint redrafting of seatbelt rules into driver and passenger responsibilities with recently approved changes accommodated, would make the rules clearer. However, a down-side of this is that States and Territories would incur a cost in amending legislation,

publications and offence provisions in databases and infringement notices in relation to rule numbers.

The method of page numbering was identified by one respondent as an issue (and the Australian Road Rules Maintenance Group collectively) where the recommencement of new page numbers for each of the 21 Parts of the Australian Road Rules causes reference difficulties. The National Transport Commission notes that this has been rectified in the most recent draft of the Australian Road Rules presented by the National Transport Commission incorporating recent amendments approved in June 2006. Concern was also raised that terminology is inconsistent in that some rules refer to ‘drivers and riders’ while others refer to ‘drivers’ only. This is despite rule 19 that advises reference to a driver includes a rider unless otherwise stated. The respondent suggested that this could be mitigated by clearly separating road rules in terms of user types or some other way. However, such amendments would incur reasonably high costs for changing legislation, publications, databases and infringement notices.

### **3.2.10 Scope of Behaviours**

Almost all respondents agree that the rules adequately cover road-use behaviours. Two respondents are unsure while one disagreed. The disagreement is stated as being due to the rules applying to use of vehicles on farms, which is incorrect as they apply to roads and road-related areas, not private property. The National Transport Commission notes that while this is a matter more fitting in section 3.2.11 (Where the Australian Road Rules Apply) this appears to be a misunderstanding of rules since they do not generally apply to farms. Concern, rather than disagreement, was expressed by one respondent in regarding the scope of behaviours covered by the Australian Road Rules. It was suggested that because learner driver licensing provisions in some places impose particular conditions (such as speed limits), enforcement is difficult. It was suggested that these provisions should be consistent across Australia and speed limits included in the Australian Road Rules. These issues are included in driver licensing regulations/rules and not considered appropriate to include in the Australian Road Rules.

### **3.2.11 Where the Australian Road Rules Apply**

The views on whether the places where the Australian Road Rules apply are appropriate or adequate are that one third agree, more than one third disagree and one sixth are unsure. The use of the concept of road-related area is a major issue of dissatisfaction in regard to where the rules apply. It is a matter that is fundamental to the structure of the Australian Road Rules. Those who support its use in the Australian Road Rules have advised that it does not cause major concern and in any event it is entrenched within legislation (including national reforms) and therefore difficult to change. Those who expressed concern believe that the term road-related area has only served to complicate traffic law and that it has not provided any discernable benefit. They consider in hindsight that retaining the concept of public street (that most States or Territories used prior to the Australian Road Rules) may well have been the better option. The respondents from New South Wales, South Australia, Tasmania, Northern Territory and Queensland advised that the concept of public street existed in their States prior to the adoption of the Australian Road Rules. The situation in Victoria is not known while Western Australia still retains the ‘public street’ concept and has not adopted road-related area.

It would be difficult to establish any benefits of reverting to the public street concept.

### **3.2.12 Complexity of the Australian Road Rules**

Almost half of the respondents consider that many rules in the Australian Road Rules are unnecessarily complex. Several examples are quoted as follows:

- A.** obedience to traffic lights are too complicated with rules regarding red lights and red arrows and yellow lights and yellow arrows being dealt with (unnecessarily) in separate rules;
- B.** rules about crossing dividing lines are very unclear;
- C.** restraints/seatbelt rules are unclear;
- D.** rules could have been better grouped together;
- E.** too many rules are in the miscellaneous section; and
- F.** page numbering causes unnecessary confusion (see earlier comment that this is now rectified).

In response to the example in A, the way the rules are drafted, is a matter of drafting style. While rules that require obedience to red lights and red arrows are the same and yellow lights the same as yellow arrows, the reason for separating them was to aid understanding of what road users should do in each instance.

With regard to the example in B the Australian Road Rules has recently recommended changes to rules about crossing dividing lines and this will hopefully clarify some aspects. However, these rules are fundamental to road safety and it is considered appropriate that the Australian Road Rules Maintenance Group consider whether further clarification is appropriate.

Restraint rules mentioned in C are the subject of amendments approved in late 2006 by the Australian Transport Council.

Issues raised in D about grouping of rules also relate to restraints where because of approved changes to age groups and changed responsibilities of drivers to ensure passengers are restrained, it is possible to now amalgamate rules.

The issue in example E is that there are 18 separate rules in Part 18. However, the nature of these rules satisfies their separation and it is not considered necessary to make changes.

The issue in example F refers to page numbering and this has already been rectified.

### **3.3 Australian Road Rules Maintenance Group Workshop and Other Responses**

In order to obtain views of the Australian Road Rules Maintenance Group members, a workshop was held in August 2006. Members were aware of the questionnaire and this was used as the basis for discussion to obtain a collective view of whether the objectives of the Australian Road Rules have been substantially achieved. While appreciating that views could be biased by the fact that a role of the Australian Road Rules Maintenance Group is to rectify problems with the Australian Road Rules, this is offset to some degree by the fact that only three or four members of the Australian Road Rules Maintenance Group were actually involved with preparation of the original Australian Road Rules that was finalised in late 1999. Only one or two members were actually involved in the setting

of parameters such as the use of road-related area in the early 1990s when the project commenced.

The major comments made by members on the question of whether or not the Australian Road Rules has achieved the objectives for which it was prepared are summarised in point form as follows. Most of these were already identified in written responses to the questionnaire and many also represent a reiteration of written submissions by individual members of the Australian Road Rules Maintenance Group.

#### Collective Comments

- The rules adequately cover road-use behaviours.
- There are too many variations due to ‘another law of a jurisdiction’.
- Some rules are too complex (e.g. angle parking and seatbelt laws) even though it is acknowledged that this may be due to the need to be legally accurate.
- Diagrams and examples have assisted understanding of rules.
- It is too difficult to measure the impact of the Australian Road Rules on road safety or mobility.
- Drafting style should be agreed between Parliamentary Counsels.
- It would assist to have a person who drafts rules attend meetings.
- The use of the term ‘road-related area’ has not provided any discernable benefit to road transport law and retaining the concept of ‘public street’ may well have been the better option. However, given that the concept is entrenched in most State and Territory legislation and it would be difficult to establish the benefits of reverting to the previous concept, no change is recommended.
- There appears to be too many ‘miscellaneous’ rules. However, relocation of these rules would change rule numbers and incur additional cost.
- Advantages of the Australian Road Rules are:
  - uniformity of most rules;
  - better presentation of rules supported by examples and signs where appropriate that assist with maintaining use of standard signs and road marking;
  - better understanding of rules that undergo wide consultation;
  - ability to share community advertising packages;
  - apparent improvement in safety for interstate travellers; and
  - driver frustration caused by different laws across borders appears to have diminished.
- The Australian Road Rules is a positive step towards uniformity that has inherent benefits in safety and transport efficiency.

### Issues to be addressed

Members agreed the following issues need to be addressed to improve the Australian Road Rules:

- Reduce the variations in rules that occur as a result of allowing another law of a jurisdiction in numerous rules.
- Simplify rules associated with restraints.
- Ensure that the drafting style of future amendments is in plain language.

## **4 ADMINISTRATION OF THE AUSTRALIAN ROAD RULES**

The administration support provided to the Australian Road Rules Maintenance Group by the National Transport Commission is agreed by most members of Australian Road Rules Maintenance Group to be efficient and effective. Apart from meetings, communications are mostly undertaken by email and telephone. Indications from the Australian Road Rules Maintenance Group members are that this support has improved in the past 12 months through good liaison by the Project Manager with members and a reduction in the time taken for drafting of rule amendments. Drafting was previously undertaken by the Office of Legislative Drafting that had competing priorities, causing occasional delays to drafts being prepared. Recently drafting has been undertaken in-house by the National Transport Commission by a senior legislative drafter, substantially improving turn-around time for amendment drafting.

## **5 ALIGNMENT OF THE AUSTRALIAN ROAD RULES TO OTHER LEGISLATION**

The Australian Road Rules provides rules about the way roads are required to be used by all type of users. It describes a range of road users including pedestrians, drivers and riders as well as vehicles and other devices that are permitted to use roads such as bicycles, scooters, motorised scooters, power-assisted pedal cycles, motor vehicles, trucks, heavy vehicles, buses, trams and motorised wheelchairs. The Australian Vehicle Standards Rules 1999 [under the *Motor Vehicle Standards Act 1989* (Commonwealth)] is legislation that provides rules regarding the permitted size and safety requirements of vehicles that operate on roads and it also defines them. Accordingly, the Australian Road Rules and the Australian Vehicle Standards Rules are complementary to each other. The Australian Vehicle Standards Rules is based on Australian Design Rules and therefore there are links between the Australian Road Rules and the Australian Design Rules.

When the Australian Road Rules Maintenance Group considers amendments to the Australian Road Rules it ensures amendments are consistent with the Australian Vehicle Standards Rules. However, unlike many laws that are equivalent to the Australian Road Rules, the Australian Road Rules does not reference the Australian Vehicle Standards Rules or the Australian Design Rules.

## **6 SUMMARY OF STAKEHOLDER VIEWS**

The following is a summary of the views of stakeholders on whether they believe the objectives for which the Australian Road Rules were produced have been achieved. Comments are also made on issues where appropriate, including whether further action is warranted.

The review reveals that stakeholders believe most of the objectives have been achieved. However, many supporting views are tempered with comments that say further work is needed to achieve greater uniformity between States and Territories on some rules that vary at present. The following are summaries of stakeholders' views on various objectives of the Australian Road Rules and related issues.

## **6.1 National Uniformity**

The objective of having uniform regulations throughout Australia for all road users is believed to have been mostly achieved by the Australian Road Rules. However, this is qualified by views that more work is required in several areas. A key aspect affecting uniformity is the application of another law of a jurisdiction in 86 of the rules.

The National Transport Commission has commenced a review of the affected rules as part of the maintenance process, which will make the rules more uniform over time.

A second impediment to achieving the objective of uniformity is that several States and Territories are still transitioning the introduction of some rules. Rules about dividing lines are examples where at least two States have yet to adopt the Australian Road Rules in this regard.

Priority must be given by States and Territories to implementing the Australian Road Rules and nationally approved amendments in a timely way. Given the Australian Road Rules was finalised and agreed by the Australian Transport Council in late 1999, States and Territories appear to have had reasonable time to implement changes to infrastructure that enable the rules to be finalised in their own legislation. It is noted that the National Transport Commission has recently forwarded a request to road agencies seeking advice as to what they intend to do about rules where they were scored significantly inconsistent or moderately inconsistent in the report *Implementation of the Australian Road Rules March 2003*.

## **6.2 Mobility and Safety**

The majority of stakeholders believe that the objective of improved mobility and safety has apparently been achieved by the Australian Road Rules. However, most stakeholders also acknowledge that the multi-faceted nature of crash causation makes it almost impossible to measure the extent to which the Australian Road Rules has contributed to improved mobility and safety. The feeling of the majority is that travellers between States and Territories are the beneficiaries of having common rules.

## **6.3 Reducing Costs and Improving Administrative Efficiency**

The objective of reducing costs and improving administrative efficiency on a national basis was agreed by about half of the responses. Those who disagree believe that centralising the approval process causes delays to legislative change and increases in administrative costs. Counter claims are that local legislative drafting and preparation of regulatory impact statements by the National Transport Commission reduces costs.

It does seem that the Australian Road Rules and processes for maintaining them have been of assistance to many States and Territories in saving costs for drafting amendments and fact-finding to justify particular provisions. However, some States and Territories consider

that having to comply with the provisions of some rules (e.g. changing signs and road markings) has incurred significant cost for little obvious benefit.

#### **6.4 Meeting Community Needs**

Three quarters of the respondents believe that the Australian Road Rules has made road rules more appropriate to community needs. Rules that were vague or did not pre-exist, for example rules about skating/skateboards, are now covered and there is reasonable consistency of more important rules across borders. Almost all respondents agree that the rules adequately cover road-use behaviours and the processes by which the Australian Road Rules are maintained, provide an adequate and appropriate mechanism by which States and Territories can raise issues, propose amendments and have input into the way the rules are drafted. A suggestion made by one stakeholder that is pertinent to whether rules are meeting community needs, is that rule amendments should be evaluated to determine whether they are effective (meeting the need for which they were made).

In response, the National Transport Commission undertakes a five and ten year review of the Australian Road Rules in order to gauge their effectiveness against the broader objectives. There have been five amendment packages included in the Australian Road Rules since their approval in 1999, the last being the package approved in June 2006. Reviews address the broader effectiveness of the Australian Road Rules, not individual rules or amendments; such a task would be significant resource and cost intensive for little likely benefit.

#### **6.5 Understanding by Agency Personnel**

Understanding of rules by agency personnel, particularly those involved with enforcement, road design and traffic control, is believed by most stakeholders to have improved as a consequence of the development of the Australian Road Rules. The use of examples and diagrams associated with specific rules, and the greater involvement of agencies in the drafting of rules and amendments than previously, are cited as the main reasons for that belief. However, some concerns remain about the complexity of some rules and use of the concept of road-related area. It is also contended by several States and Territories that rules about seatbelts/restraints, crossing dividing lines, obedience to red and yellow traffic lights and arrows are unnecessarily complex and that there are some inconsistencies in drafting style, such as in the use of the terms driver and rider.

The National Transport Commission considers that these may be matters for consideration, although it is acknowledged that rules appear legally accurate despite a lack of clarity in those mentioned. The types of changes required to make them more easily understood would require rule numbering changes and as such incur a substantial cost. Legislative drafting would be required along with changes to infringement notices, databases and publications in most places. (Refer also to section 6.9 regarding road-related areas).

#### **6.6 Understanding by the Community Generally**

Most respondents believe that the objective of producing laws that are relatively easy to understand by the community generally has only partially been achieved by the Australian Road Rules. Those who agree with this view consider that the need for legal correctness has diminished the readability of rules. However, most respondents acknowledge that the inclusion of examples and diagrams in particular rules has assisted with understanding

many rules. One respondent suggested that as the Australian Road Rules is extensive and complex, a reference guide would be a useful publication that should be developed nationally.

However, the Australian Road Rules is model law only. States and Territories implement the Australian Road Rules in various ways, some unchanged and others picking up the intent rather than the words. Developing a guide to the Australian Road Rules would not include these disparities and would serve little purpose as they carry no legislative force.

The overall perception is that the Australian Road Rules represents an improvement over previous legislation but falls short of being easily understood by the broad community.

## **6.7 Influencing Road-Use Behaviour and Overcoming Previous Concerns**

Respondents are generally unsure of whether the Australian Road Rules has led to safer road-use behaviour, because this cannot be statistically verified. Several who do believe it has improved mention, as an indicator, that driving across borders no longer causes significant concern. The majority of Australian Road Rules Maintenance Group members consider that the Australian Road Rules has resulted in some improvement since most rules that are important to road safety are now consistent across Australia. However, in the absence of information on what rules have changed and an examination of corresponding crash data, it is not possible to verify that consistency has made any statistical difference.

## **6.8 Structure of the Australian Road Rules and Rule Coverage**

Most respondents believe that the structure of the Australian Road Rules and its coverage of road-use by rules are appropriate. Several who disagree or who are uncertain mention the following:

- concern about the use of road-related areas (see discussion on complexity of rules);
- the page numbering that restarts for each of the 21 Parts of the Australian Road Rules causes reference difficulties (this has been rectified in the most recent version of the Australian Road Rules presented by the National Transport Commission incorporating the latest amendments); and
- concern that terminology is inconsistent in some instances such as drivers and riders being used in some rules while other rules refer to drivers only. This is despite rule 19 that states a reference to a ‘driver’ includes a ‘rider’ unless otherwise stated. The respondent suggested that this could be mitigated by clearly separating road rules in terms of user types or some other way.

The National Transport Commission’s view is that amendments such as replacing road-related area or including separate provisions for motorbike riders would incur reasonably high costs of changing legislation, publications, databases and infringement notices. It would also cause a separation of rules requiring one set of rules for motorbikes and another for car drivers; this would be totally unacceptable. The respondent making the comment about rules for motorbike riders had an obvious lack of understanding of the instructions of rule 19.

## 6.9 Where the Australian Road Rules Apply

About half of the respondents expressed concern about the use of road-related area in the Australian Road Rules as a means of differentiating between a place where vehicles normally travel (roads) and other places to which the public has access. The Australian Road Rules Maintenance Group generally is of the view that the concept has not added clarity to rules or improved safety or enhanced enforcement but it is now firmly entrenched in legislation and there is no obvious benefit in reverting to use of ‘public street’ that pre-existed.

## 6.10 Complexity of the Australian Road Rules

Many respondents believe that several rules in the Australian Road Rules are too complex. However, most acknowledge (including the Australian Road Rules Maintenance Group) that much of this is caused by the need for rules to be legally robust. Nevertheless, it is also acknowledged that some rules could be simplified and clarified. Future amendments to the Australian Road Rules should attempt to be in as plain language as possible.

## 6.11 Other Issues

Australian Road Rules Maintenance Group members believe that administration of the Australian Road Rules by the National Transport Commission is efficient and effective.

## 7 RECOMMENDATIONS

From stakeholder submissions it is clear that two actions are required to improve the quality of the Australian Road Rules and its effectiveness. These are as follows:

1. Continue to work toward reducing the number of variations in rules that are due to another law of a jurisdiction.
2. Give consideration to whether the following rules should be simplified and, if so, whether rule amendments are justified by a regulatory impact analysis:
  - obedience to traffic lights (rules regarding red lights and red arrows and yellow lights and yellow arrows are dealt with unnecessarily in separate rules);
  - rules about crossing dividing lines (unclear); and
  - rules about restraints/seatbelts (unclear and rules can be combined).

Justification should take account of the potential impact of rule changes on costs that may be involved including drafting, changes to infringement notices, databases and publications in each State and Territory.

## **APPENDICES**

Appendix 1: Australian Road Rules Maintenance Group Membership

Appendix 2: Processes for amending the Australian Road Rules

Appendix 3: Letter and questionnaire sent to stakeholders

Appendix 4: List of stakeholders identified by road agencies

Appendix 5: Project specifications and terms of reference

## APPENDIX 1

## Membership of the ARRMG (October 2006)

Name	Agency Represented
Deimos, Greg	Senior Policy Analyst (Legislation & Compliance), National Transport Commission – Project Manager
Bell, Kerry	Department of Territory and Municipal Services, Road Transport Branch, Australian Capital Territory
Burrill, John	Transport, Land Transport and Safety Division, Queensland
Cavallo, Antonietta	VicRoads, Manager, Road User Behaviour, Victoria
Crackel, Linley	Office of Road Safety, Department of Premier and Cabinet, Western Australia
Crofts, Steve	Department of Territory and Municipal Services, Road Transport Branch, Australian Capital Territory
Daly, Wayne	Department of Territory and Municipal Services, Road Transport Branch, Australian Capital Territory
Davis, Peter	Legislation and Inter-Government Relations, Department of Transport, Energy and Infrastructure, South Australia
Dorrough, Ron	Police, New South Wales
Douglas, Jon	Main Roads Department, Queensland
Dunning, Robert	Department of Transport and Regional Services, Commonwealth
Gibson, John	Police, Victoria
Groenhuijzen, Kevin	Police, Queensland
Hagan, Terry	Road Traffic Authority New South Wales
Holmes, Tom	Department of Infrastructure, Energy and Resources. Manager Legislation, Tasmania
Humble, Russell	Road Traffic Authority New South Wales
Jacobson, Howard	Department of Infrastructure, Energy and Resources, Tasmania
Lovegrove, Trevor	Police, South Australia
McGillian, Tom	Police, Victoria
Margison, Phil	Road Traffic Authority New South Wales
Metropolis, Peter	Consultant to Office of Road Safety, Department of Premier and Cabinet, Western Australia
Morgan, Robert	Representing Standards Australia Committee MS/12
Murray, Emma	Department of Planning and Infrastructure, Northern Territory
David Petterson	Police, South Australia
Tait, Bruce	Department of Transport, Queensland

## APPENDIX 2

**PROCEDURES FOR AMENDING THE ARR**

[Note that since these procedures were approved by ATC in 1999, some changes have been made including: that drafting undertaken by OLD is now undertaken by NTC; that the ‘coordinating body’ is the NTC; reference to ‘meeting of States and Territories’ is now a meeting of ARRMG; and reference to ‘jurisdictions’ is reference to members of the ARRMG].

**I. JURISDICTION SUGGESTIONS FOR URGENT AMENDMENTS TO THE ROAD RULES*****Step 1 – Notification of need for amendment***

The jurisdiction notifies all other jurisdictions and the ARR maintenance coordinating body of the suggested urgent amendment.

***Step 2 – Jurisdictions/Maintenance Body response to notification***

Jurisdictions advise the coordinating body of their response within 7 days.  
The ARR maintenance coordinating body convenes a teleconference or meeting of all States and Territories to determine its attitude to the issue by consensus.

***Step 3 – Drafting of Amendment(s) and RIS***

If urgent amendment is required, the ARR coordinating body compiles drafting instructions for OLD in consultation with jurisdictions.  
OLD drafts the amendment(s) in consultation with the Parliamentary Counsel of each State and Territory, and circulates to the coordinating body and all jurisdictions.  
The coordinating body prepares a regulatory impact statement (if one is deemed to be required) with the jurisdictions.

***Step 4 – Consideration and approval of Amendment(s)***

All jurisdictions and OLD meet to discuss the draft amendment(s).  
OLD makes any necessary changes for consideration of the proposal by TACE.  
The coordinating body completes the regulatory impact statement.  
The Parliamentary Counsel’s Committee (PCC) and TACE comment on the amendment(s) within 7 days.  
Ministers asked to commit to a 14 day turn-around period.

***Step 5 – Effecting changes to ARR and Local Laws***

Once approved, the coordinating body amends Australian Road Rules.  
Jurisdictions adopt amendments in local law.

## Appendix 2 (contd)

**2. AMENDMENTS TO GIVE EFFECT TO POLICY CATCH-UPS SINCE 1994*****Step 1 - Notification of need for amendment***

Jurisdictions provide notification to the coordinating body and all other jurisdictions of road rules policy developments adopted in the law of States and Territories since December 1994.

***Step 2 - Jurisdictions/Maintenance Body response to notification***

Jurisdictions advise the coordinating body of their response within 21 days. The coordinating body convenes meeting(s) of all States and Territories to determine the attitude to the issues by consensus.

***Step 3 - Drafting of Amendment(s) and RIS***

If amendments are required, the coordinating body compiles drafting instructions for OLD in consultation with jurisdictions. OLD drafts the amendment(s) in consultation with the Parliamentary Counsel of each State and Territory, and circulates to the coordinating body and all jurisdictions. The coordinating body prepares a regulatory impact statement with the jurisdictions.

***Step 4 - Consideration and approval of Amendment(s)***

All jurisdictions and OLD meet to discuss the draft amendments. OLD makes any necessary changes for consideration of the proposals by PCC and TACE. The coordinating body completes the regulatory impact statement. Normal PCC, TACE and Ministerial Council timelines apply.

***Step 5 - Effecting changes to ARR and Local Laws***

Once approved, the coordinating body amends the ARR. Jurisdictions adopt amendments in local law.

## Appendix 2 (contd)

**3. LOW PRIORITY ROUTINE, MACHINERY AND NON-CONTROVERSIAL AMENDMENTS*****Step 1 – Advice on need for Amendment(s)***

Jurisdictions provide the coordinating body and all other jurisdictions with advice on suggested low priority routine, machinery and non-controversial amendments.

***Step 2 – Consideration of stockpiled Amendments***

The ARR maintenance coordinating body “stockpiles” the material received and convenes meeting, when appropriate, of all States and Territories to determine the attitude to each of the issues by consensus.

***Step 3 - Drafting of Amendment(s) and RIS***

If amendments are required, the ARR coordinating body compiles drafting instructions for OLD with jurisdictions.

OLD drafts the amendment(s) in consultation with the Parliamentary Counsel of each State and Territory, and circulates to the coordinating body and all jurisdictions.

The coordinating body commences preparation of a regulatory impact statement (if one is necessary) with the jurisdictions.

***Step 4 - Consideration and approval of Amendments***

All jurisdictions and OLD meet to discuss the draft amendments.

OLD makes any necessary changes for consideration of the proposals by PCC and TACE.

The coordinating body completes any regulatory impact statement.

Normal PCC, TACE and Ministerial Council timelines apply.

***Step 5 - Consideration and approval of Amendments***

Once approved, the coordinating body amends Australian Road Rules.

Jurisdictions adopt amendments in local law.

**APPENDIX 3****Letter & Questionnaire sent to Stakeholders****Letter**

14 July 2006

<<Addressee>>

Dear <<salutation>>

**Effectiveness review of the Australian Road Rules**

The National Transport Commission has an on-going responsibility to develop, monitor and maintain uniform or nationally consistent regulatory and operational reforms relating to road, rail and inter-modal transport.

The Australian Road Rules, developed by the Commission, provide rules to be followed by all road users throughout Australia. They were developed over a number of years by a working group comprising representatives of each State and Territory's roads and traffic authorities and led by the Commission. Following a period of wide community consultation, most States and Territories adopted the Australian Road Rules in their own legislation in December 1999 (with the Australian Capital Territory and Western Australia following in 2000). The adoption of the Australian Road Rules nationally has removed substantial differences in traffic laws between jurisdictions.

In approving the Australian Road Rules, the Australian Transport Council also agreed to a strategy for maintenance to ensure they are kept up to date. The Commission established the Australian Road Rules Maintenance Group to undertake this maintenance role and recommend any necessary amendments. Representation on the maintenance group is similar to the working group that developed the Australian Road Rules in the first instance. Consequently, various amendments have been made over recent years.

As part of its mandate, national reforms undergo an effectiveness review every five and ten years (as agreed by Transport Agencies Chief Executives). The Commission has included in its 2006/2007 work programme a five year review of the Australian Road Rules and has engaged an independent consultant to undertake the review, which is planned for completion in early 2007. The focus is on whether the Australian Road Rules are meeting the needs of jurisdictions and achieving the objectives for which they were developed.

The review incorporates the following matters:

- Are the original objectives being achieved?
  - *introduce uniform regulations throughout Australian for all road users;*
  - *enhance mobility and safety by updating and simplifying traffic regulations;*  
and
  - *reduce cost and achieve administrative efficiency on a national basis.*
- Are jurisdictional and community needs being accommodated?
- Is there room for improvement or need for change (rules, scope, complexity and structure etc)?

As an important stakeholder, we are seeking your views on these matters. Specifically, it would be appreciated if you could respond to the attached questionnaire including any relevant supporting comments.

The Australian Road Rules can be viewed or downloaded from the Commission's website at [www.ntc.gov.au](http://www.ntc.gov.au) under "Quick Links".

Comments should be returned to the Project Manager, Greg Deimos, no later than Friday 11 August 2006.

Should you wish to discuss any matter further Greg Deimos can be contacted on telephone (03) 9236-5038 or by email [gdeimos@ntc.gov.au](mailto:gdeimos@ntc.gov.au).

Yours sincerely

Phil Giltinan  
Acting Chief Executive

## Appendix 3 (contd)

**Questionnaire****REVIEW OF THE AUSTRALIAN ROAD RULES**

Agency Name:	_____
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**Question 1: Are the objectives of the Australian Road Rules adopted in your jurisdiction -**

		Strongly Agree	Agree	Unsure	Disagree	Strongly Disagree
a)	achieving uniformity nationally?					
b)	enhancing mobility and safety by simplifying regulations?					
c)	reducing costs and administrative efficiency?					

(Please tick the appropriate box)

Comments \_\_\_\_\_

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**Question 2: Are jurisdictional and community needs being accommodated by the Australian Road Rules by -**

		Strongly Agree	Agree	Unsure	Disagree	Strongly Disagree
a)	making laws more appropriate?					
b)	making laws more easily understood by agencies?					
c)	making laws more easily understood by the community generally?					
d)	overcoming concerns that previously existed?					
e)	leading to safer road behaviour?					

(Please tick the appropriate box)



## APPENDIX 4

## List of Stakeholders Identified by Jurisdictions

	<b>Organisation</b>	<b>Contact</b>
1	Australasian Traffic Policing Forum	Mr Peter Kolesnik, Secretariat
2	Australian Automobile Association	Mr Lauchlan McIntosh, Executive Director
3	Australian Local Government Association	Mr David Anderson
4	Australian Motorcycle Council Inc	Ms Robyn Major, Chair
5	Australian Transport Safety Bureau	Mr Joe Motha, General Manager Road Safety
6	Australian Trucking Association	Mr Trevor Martyn, Chairman
7	Austroroads	Mr Murray Kidnie, Executive Director
8	Bicycle Council of Australia	Mr Dennis Walsh' Chairman
9	Department for Planning & Infrastructure (WA)	Licensing Section
10	Department of Infrastructure, Energy and Resources (TAS)	Mr Mark Addis, Secretary
11	Department of Planning & Infrastructure (NT)	Mr C Bigg, Exec Director Transport
12	Department of Premier & Cabinet, Office of Road Safety (WA)	Mr Iain Cameron, Executive Director
13	Department of Transport (QLD)	Mr Dan Hunt, A/DG
14	Department Transport, Energy & Infrastructure (SA)	Mr Jim Hallion, CEO
15	Main Roads WA	Messrs Brian Kidd and Rob Harvey
16	Monash University (MURAC)	Prof Ian Johnston, Director
17	Motorcycle Riders' Association of Australia	Mr John Karmouche
18	NSW Transport Association	Mr Hugh McMaster, Corporate Relations Manager
19	Pedestrian Council of Australia	Mr Harold Scruby, Chairman
20	Roads & Traffic Authority, NSW	Office of Chief Executive
21	Standards Australia Ltd	Mr John Tucker, CEO
22	Tasmanian Transport Association	Mr Robin Phillips, Executive Director
23	Territory & Municipal Services (ACT)	Mr Mike Zissler, CEO
24	Transport Forum WA Inc	Ms Debra Goostrey, CEO
25	Vicroads, VIC	Mr David Anderson, CEO
26	Victorian Transport Association	Mr Neil Chambers, Deputy CEO

**APPENDIX 5****Specifications and Terms of Reference for the Review****SPECIFICATION****Title**

Effectiveness Review (5 year) of the Australian Road Rules, Project Code M05

**Background**

The National Road Transport Commission (NRTC) was established as a result of two Inter-governmental Agreements entered into by Australian Heads of Government in the early 1990s. The Commission was formally constituted under the *National Road Transport Commission Act 1991* of the Commonwealth: Inter-governmental Agreements are appended to that Act.

The NRTC developed an array of model legislation and policies intended to be subsumed into jurisdictional laws, these included heavy vehicle registration, vehicle standards, heavy vehicle loading, road rules and driving hours: thereby providing a uniform or consistent regulatory environment for road transport throughout Australia.

The NRTC ceased to exist in 2004, when the NTC, established by the *National Transport Commission Act 2003*, commenced operations in January 2004 (taking on the functions of the NRTC) after all Governments - Commonwealth, States and Territories - agreed to build on significant road transport reforms achieved in recent years, and extend the approach to include rail and inter-modal transport.

**Objective**

To conduct a five year review of the ARR to determine whether the form and content of the ARR needs to be amended to secure its objectives.

**Scope**

The extent or range of this project will be limited to the development, completion and submission, by the Consultant, to the Project Manager of a report covering all matters listed in Item 3 of the Attachment.

**Reports**

The report will be in the NTC required format and contain necessary discussion and recommendations (including summary).

**Information available**

The Consultant will be provided, upon request, with the following to assist in the completion of this project:

- Australian Road Rules; and
- the NTC report on the Evaluation of the Implementation of the ARR.

(Appendix 5 contd)

## Methodology

The Consultant, as part of his/her tender will be required to provide a methodology for this project that will bring about the desired outcomes within the given timelines.

## Program

This consultancy will commence on the signing of the contract and be completed by 28 February 2007, unless extended by the Project Manager in agreement with the Consultant.

## Milestones/timelines

<i>Item</i>	<i>Action</i>	<i>End Date</i>
1	Project commencement	1/7/06
2	1 <sup>st</sup> Draft report to Project Manager for consideration	21/11/06
3	2 <sup>nd</sup> Draft Report to ARRMG for comment	17/12/06
4	3 <sup>rd</sup> Draft report to TACE for comment/endorsement	17/01/07
5	Final report to ATC for approval	28/02/07

## Reporting

The Consultant will report progress as required by the Project Manager. Progress reports must include a clear statement of whether the project is running on time and a brief summary of progress since the last report. If the project is behind schedule, the report must contain an explanation of the reasons for delay, an estimate of the length of delay and proposed actions to bring the project back on schedule.

## Report format

All draft Issues Papers (including the final document), shall be submitted to the Project Manager in the NTC preferred style and format, using the NTC template, which will be made available on acceptance of the contract.

## Project manager

Greg Deimos, Senior Policy Analyst (Legislation and Compliance), National Transport Commission, Level 15, 628 Bourke Street, Melbourne VIC 3000, telephone: (03) 9236 5038, facsimile: (03) 9642 8922, e-mail – gdeimos@ntc.gov.au

(Appendix 5 contd)

## **TERMS OF REFERENCE FOR FIVE YEARLY REVIEWS OF IMPLEMENTED REFORMS**

### **1. OBJECTIVES OF REVIEW**

- 1.1 To review implemented national road transport reforms to determine whether the form and content of the reforms need to be amended to secure the objectives of the reform.

### **2. TIMING OF REVIEW**

- 2.1 The review is to be undertaken as soon as possible after the period of five years from the agreed date of the implementation of the reform.
- 2.2 The agreed date of the implementation of the reform is:
- (a) the date specified in the recommendation submitted by the National Transport Commission (NTC) to the Australian Transport Council (ATC) in respect of the reform in question as the date from which implementation can commence;
  - or
  - (b) if there is no date specified in the recommendation submitted to the ATC in respect of the reform, eighteen months from the date of the approval of the reform by the ATC.

### **3. MATTERS TO BE ADDRESSED IN THE REVIEW**

- 3.1 To determine whether the form and content of the reform need to be amended to secure the objectives of the reform the NTC will have regard to the following:
- (a) whether the reform has met/is meeting the stated objectives of the reform;
  - (b) whether these objectives remain relevant;
  - (c) how effectively the reform is functioning and being administered;
  - (d) the suitability of the instrument for achieving the objectives, including efficiency and effectiveness; and
  - (e) the need for plain language drafting.
- 3.2 Other matters to be addressed in the review include:
- (a) any necessary proposals for the amendment of the reform in question identified by the Maintenance Group established to maintain the reform, or by government, industry or the NTC;
  - (b) any recommendations for amendment of the reform arising from an implementation evaluation of the reform;

(Appendix 5 contd)

- (c) the need for alignment with and consistency with relevant national road transport reforms and other relevant regulations, including legislative definitions;  
and
- (d) whether the need for any amendment of the reform is of so extensive a nature as to warrant bringing forward at this point a more comprehensive review of the type that would ordinarily be scheduled for the ten year mark.

#### **4. PROCESS FOR REVIEW**

4.1 To initiate a review, the NTC will notify TACE members in writing of the intention to commence the review 3 months before the review is scheduled to commence.

4.2 The review will be conducted by the NTC project manager responsible for the particular reform, in conjunction with the Maintenance Group for the reform. Where no Maintenance Group exists for a particular reform, the NTC will establish Maintenance Group for that reform prior to the commencement of the review. The method will be primarily based on qualitative assessment of perceptions of stakeholders. Where possible, quantitative assessments will be made, covering such issues as:

- The outcomes achieved;
- Indicative costs/benefits of implementing the agreed reform;

Quantitative assessments will only be possible when the necessary data is available.

4.3 The NTC will consult on draft recommendations of the review, along with any proposed amendments to the reform with an accompanying draft regulatory impact statement in accordance with the NTC's regulatory reform development processes.

4.4 The final review recommendations will be submitted to ATC for approval along with any final recommendations for regulatory amendments to the reform as a consequence of the review recommendations.