

ROYAL AUSTRALASIAN COLLEGE OF SURGEONS

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31st January 2006

Mr Tony Wilson
Chief Executive
National Transport Commission
Level 15, 628 Bourke Street
MELBOURNE 3000

Dear Mr. Wilson,

PROPOSED CHANGES TO AUSTRALIAN ROAD RULES

The proposed changes to the Australian Road Rules outlined in the Draft Regulatory Impact Statement (RIS) of November 2005 have been examined by the Road Trauma Committee of the Royal Australasian College of Surgeons.

We acknowledge that many of the changes relate to clarification of wording and, hence, are totally acceptable to our committee. There are, however, a few of the recommendations which require some comment:

Section 4.9 – Rule 62

This rule allows a driver to turn right at an intersection when supported by a green traffic arrow. It also suggests the rule should be changed so as the driver complying with the green traffic light has an expectation that oncoming traffic will stop. Although this expectation is reasonable, there should be an overriding comment that at all times, with or without the support of a green arrow, the vehicle turning right should do so with appropriate caution.

Section 4.14 – Rule 81

It is anecdotally observed that different states seem to have different levels of compliance with pedestrian crossings, especially when they are not marked by an appropriate sign. Although this committee believes the road white stripe should be sufficient, it is clear many motorists do not share this belief. We think an advertising campaign to emphasise the definition of a pedestrian crossing needs to be implemented. There does not appear to be any provision for such a campaign.

Section 4.21 – New Rule 101A

The committee supports the exclusive use of arrester safety ramps for drivers in crisis to prevent the inappropriate use of this device by practising drivers.

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Section 4.30 – Rule 141

In Victoria, trams can invariably only be passed on the left side and this may need to be specified as one of the exceptions, if it is not already in place.

Section 4.34 – New Rule 151A

The committee supports the prohibition of lane splitting by motor bike riders. We do understand this is not a popular suggestion but it will hopefully eliminate the dangerous practice in which a motor bike rider comes into close proximity to motor vehicles, often at high speed, leaving very little space for maneuverability by either the motor bike rider or the car driver. The committee certainly supports this new rule.

Section 4.50 – Rule 236

The committee acknowledges the danger posed to pedestrians such as window cleaners and charity collectors walking amongst cars waiting at traffic lights. . This creates a clear hazard when traffic begins to move as the lights change. Irrespectively of whether the person purchasing from the pedestrian is on the driver or passenger side, the risk to the vendor remains the same. We would therefore support the amendment prohibiting anyone in the vehicle from purchasing from a pedestrian on the roadway.

Section 4.51 – Rule 238

There appears to be considerable ignorance regarding the benefit of a pedestrian walking towards oncoming traffic on the same side as the oncoming traffic. We believe an appropriate pedestrian advertising campaign should include the sentiments expressed in this rule.

Section 4.52 – Rule 240

This rule suggests that motorised toys should not be used at night. We believe motorised toys in the hands of young riders should not be allowed on roadways at any time. These devices should be confined to non-road areas unless specifically prohibited by a sign.

Section 4.53 – Rule 246

The committee supports the prohibition of multiple riders on a bicycle in situations where appropriate seating has not been fitted. The practice of "dinking" on roadways is dangerous and the committee supports its prohibition.

Section 4.54 – Rule 256

Although the committee does support the wearing of helmets for riders and passengers on bicycles, we believe helmets should be specified as complying with the approved standard of the day.

Section 4.55 – Rules 260, 261 and 262

The proposed amendment regarding bicycle riders crossing at lights is supported but the committee feels it opportune to comment on the behaviour of bicycle riders at general traffic lights. Emphasis should be placed on the importance of these riders obeying the direction of the general traffic lights. It is frequently observed that riders will cross against a red light whilst motor vehicles tend to comply with the signal.

Section 4.57 – Rule 268

This rule is placing unreasonable onus on the driver and assumes the driver has control over the passengers whether or not they are wearing seat belts. Although this assumption is reasonable regarding persons under the age of 16, it is not necessarily reasonable for adults. We believe adult passengers need to take the responsibility for wearing seat belts, although the driver clearly must have some input. This could be expressed in the driver's refusal to drive unless all seat belts are fastened.

Section 4.58 – Rule 271

We believe strongly that all riders and passengers on motor bikes need to be properly and safely seated and the carriage of children as pillion passengers is unsafe. We would therefore fully support this rule.

Section 4.60 – Rule 297

This rule suggesting that unsafe behaviour be prohibited is fully supported. Any distraction or potential distraction to a driver is dangerous. We would also suggest this be extended to distractions relating to telephone use and passengers or animals in the rear seat of a vehicle.

Section 4.61 – Rule 300

The committee feels strongly that hand held mobile phones should not be used whilst driving. We agree that the use of a mobile phone in a stationary vehicle rather than a parked vehicle is preferable to it being used in a moving vehicle. The committee feels there is a considerable body of evidence suggesting very little difference in crash rates between hand held devices and in-car phones. We would therefore suggest the use of all mobile phones, whether in a cradle or hand held, be prohibited in a moving vehicle. The committee has written to telephone manufacturers suggesting the introduction of a driving mode on all mobile phones. This would inform a caller that the phone owner is driving and will return their call at an appropriate time. It would also alert the driver that there has been an incoming call which may require their attention when they become stationary and off the main carriageway.

We believe strongly that although Rule 300 is a move in the right direction, it does not go far enough and fails to recognise the danger of phones in a cradle as being equivalent to hand held mobile phones. We understand this may be a difficult issue for public consumption but with an appropriate education programme and supportive technology from the phone companies, is not beyond the realms of possibility to achieve.

In general, this committee recommends the recommendations in the draft document. There are, however, some issues as outlined which may require some specific emphasis and amendment.

Yours sincerely



Mr Garry Grossbard
Chairman, RACS Road Trauma Committee