



victorian**transport**association^{inc.}

Developing Technology – Neutral road rules for driver distraction

Submission on behalf of the
Victorian Transport Association

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3.0 SUMMARY



1.0 ABOUT THE VICTORIAN TRANSPORT ASSOCIATION (VTA)

1.1 Introduction

The Victorian Transport Association (VTA) has over 800 members and is dedicated to the service of members and supporters in all sectors of the transport and logistics industry.

With over 100 years' experience and a specific business focus, we possess the industry acumen, market knowledge and industry contacts that enable members to capitalise on the current commercial and regulatory environments.

Recognised as Australia's pre-eminent multimodal prime contractor and employer organisation in transport and logistics, the association works with all levels of government, the unions, statutory authorities and the industry to achieve mutually beneficial outcomes. The VTA is committed to enhancing the image of the industry while helping improving the commercial environment for our members to operate.

The VTA is focussed solely on the owner driver component of the review and will not be commenting or contributing on the issue of forestry contractors.

1.2 Representation

The VTA represents the industry through a variety of means, including (and not limited to):

- Transport Industry Council - the VTA was one of the founding members of TIC
- Ministerial Freight Advisory Council
- Victorian Road Freight Advisory Council
- Australian Road Transport Industrial Organization
- Transport Industry Safety Group
- Enforcement Liaison Council
- New South Wales Road Freight Industry Council
- National Transport Commission – Industry Advisory Group
- National Heavy Vehicle Regulator – Industry Reference Group

1.3 Services

The VTA provides major services to its members and industry around the following matters:

- Industry Regulations & Compliance reference
- Industrial Relations advice and advocacy
- Training and education programs
- Industry KPI's and historical data
- Industry networking and references
- Industry advocacy and representation.



1.4 Industry Regulations and Compliance

The VTA has the experience and expertise to provide valuable information and advice in areas such as:

- Development of company specific fuel levies
- Vehicle Cost Modelling
- Chain of Responsibility
- PBS, HPV's and Mass Limits
- Load Restraint
- Driving Hours and Fatigue Management information
- B-double and PBS routes
- WorkCover
- Diesel fuel grant scheme
- Local Government restrictions

1.5 Industrial Relations

The VTA provides specialist industry advice on such matters as:

- Award & EBA information
- Dispute settling – Boards of Reference
- Superannuation matters
- Long Service Leave, Termination and Redundancy
- Sub-contractor rates, agreements and compliance
- WorkCover/OH&S advice
- Fair Work Commission representation
- Specialist papers on management issues
- Workshops for industry issues

1.6 Training and Education

The VTA provides industry based training courses to its members and non-members. The VTA has a large training facility at its Webb site, and is able to provide services to groups of up to 50 people.

The VTA is very committed to a range of key issues and the training includes but is not limited to such areas as: Risk Management Systems (Chain of Responsibility): Chain of Responsibility Awareness: Load Restraint and Incident Management Workshop: Supported by the Victorian State Government, the VTA Driver Delivery is training new heavy vehicle drivers to be job ready for transport and logistics companies. This Program focuses on teaching the right skills and providing extensive 'Behind the Wheel' experience for the candidates. The VTA understands the importance of recruiting and attracting young men and women to the industry and this is being achieved through the VTA Cadetship Program.



2.0 VTA'S RESPONSE TO THE ISSUES PAPER

2.1 Introduction

The Victorian Transport Association (VTA) is fully aware and supportive of the objectives of this project contained in the '*Developing technology – neutral road rules for driver distraction*' (the Issues Paper). The VTA also welcomes the opportunity to provide our responses to the questions proposed in the Issues Paper.

We support the need to review the three specific road laws in order that they provide better outcomes for road users, regardless of the technology being applied. The VTA is very aware and understands the significance of driver distraction for the transport and logistics industry and for all road users. It is also committed to continuously advancing safety and reducing safety risks.

On page 6 of the Issues Paper, five key issues are identified. The VTA believes that these issues certainly need to be considered based upon current research and the background information provided in the Issues Paper.

2.2 Approach to the VTA Response

At the very outset, the VTA has provided a response to the list of questions presented. The responses have been kept relatively brief and are based upon the VTA's knowledge and thorough understanding of the industry and the safety risks associated with heavy vehicles. Our responses have also drawn upon the feedback obtained from our extensive membership basis.

It is important to highlight that the transport and logistics industry consists of at least 40 different sectors, each with their specific needs, characteristics and requirements. We also acknowledge that there are many road safety risks, including driver distraction, which overarch all the heavy vehicle industry sectors along with other road users.

Whilst the driver distraction issue is indeed complex and also a major challenge for policy law makers, it is clear that the three Australian Road Rules contained in the Issues Paper need to be addressed. The VTA acknowledges the difficulty of any legal framework keeping pace with the many market and technological changes, however, it is vital that we make the necessary legal amendments in order to achieve better outcomes for all road users, regardless of the technology used.

2.3 Specific VTA responses to the questions.

2.3.1 Defining the driver task

Does the proposed definition include all the key functions required to safely perform the driving task?

The VTA has carefully examined the proposed definition and believes that it does include all the key functions required to safely perform the driving task.



2.3.2 A common definition of driver distraction

Does the proposed definition capture all the behaviours that lead to driver distraction and a reduction in driving performance?

The VTA believes that the proposed definition captures all the behaviours that lead to driver distraction and a reduction in driver performance. It should be noted that the VTA supports the information contained in section 2 of the Issues Paper. Section two of the Issues Paper provides a sound rationale and framework for the topic and the issues being discussed.

2.3.3 Types of driver distraction

How could a distinction between manageable and unmanageable levels of driver distraction be used to inform the way distraction is regulated. What evidence-based distinctions could be considered?

This question is indeed far more complex to determine when applied to the way distraction is regulated. Based upon feedback from our members, the issue of the distinction between manageable and unmanageable is open to interpretation and is very much dependent upon the specific heavy vehicle sector and the vast range of specific driving tasks which apply to that particular sector of the industry.

The 'real time' distraction on the roads can be broken down into long distance distraction and short distance distraction. The basis of this perspective is to illustrate the delineation of those drivers who look for distractions to remain focused and active while driving compared to those drivers who lose concentration based on those distractions in the vehicle.

Long Distance Driving Distractions

Long distance professional drivers (LDD) regularly have extended periods on roads that are travelled repetitively. They are aware of the risks and issues at all times and display the highest driving skills. However, the issue of complacency and concentration become negative factors as the journey progresses. The long distance driver looks for elements that will stimulate the mind and assist in maintaining focus and concentration. This does not mean that the LDD is constantly on a mobile phone but rather is consistently exercising different stimuli in the course of the journey. This may include examples such as drinking water, play music media, mathematical equations, physical tests and other exercises to ensure that the mind remains receptive and evaluating the risks on the road at all times.

Short Distance Driving Distractions

Short Distance Drivers (SDD) are more prone to finding distractions that diminish their ability to concentrate on the task of driving. Distractions that take away the drivers ability to correctly assess an increase of risk while driving are more prevalent in the community with the development of portable media. Rather than be distracted to assist in concentrating and assessing risk, while SDD's do not see or understand the importance of continued risk



assessment when driving the habitual reference to portable media while driving reinforces the issue of negative distraction.

The VTA wish to assert that there are both positive and negative distraction that affect drivers and that a simple reference in long and short distance driving illustrates this point. Consequently, to inform the way driver distraction is regulated based upon a distinction between 'manageable and unmanageable' is very difficult to determine and a high degree of caution is required.

This VTA position is primarily based upon the knowledge and experience of VTA members who have witnessed and experienced the 'untended' consequences of previous changes to laws, regulations and rules without the policy and law makers fully investigating and determining the full impact of their proposed changes upon the key stakeholders, in particular, the heavy vehicle industry.

As explained in the 'Issues Paper' on page 11, 'driver distraction is a safety issue which is not as well understood as other road safety risk factors, and the research to date has its limitations. The VTA is not in a position to make strong recommendations in this area, however, it supports all efforts to gain more evidence on the topic. It suggests that the evidence gathering will need to involve sound 'field research' involving heavy vehicle drivers and operators.

2.3.4 Clear and consistent approach in the Australian Road Rules

Should conventional and technology-based causes of distraction be treated equally in the Australian Road Rules? Why?

The VTA advocates that the conventional and technology-based causes of distraction be treated in the Australian Road Rules. In brief, the VTA recognises, supports and advocates for the 'harmonisation' of all road laws, including the Heavy Vehicle National Law. It should be noted, that whilst the VTA advocates this position, the VTA also proposes that in adopting this position, a thorough investigation needs to be conducted by the NTC that certain sectors of the transport and logistics will not be adversely disadvantaged or compromised by such an 'equally treated' approach.

2.3.5 Responsibility for distraction

Can you provide examples of effective non-regulatory approaches to driver distraction that assist drivers to self-regulate their behaviour in a dynamic driving environment?

Before responding to this specific question, the 'Issues Paper' presented a sound overview of many of the key factors associated with driver distraction in section 2.1.4. The VTA particularly draws attention to 2.1.4.2 'Technology based factors'. This section suggest that future legislation may need to consider these drivers separately to accommodate their needs and strike a balance between minimizing their distractions and allocating them to perform their job.



The VTA maintains that it is not a case that future legislation 'may' need to consider these drivers separately, in fact, it 'will' need to consider these drivers of heavy vehicles separately.

As already highlighted in the VTA's introduction section to this document, the transport and logistics industry consists of at least 40 different sectors, each with their own specific needs, responsibilities and operational functions. To further highlight the complexities of our industry, it is important to be aware of and understand that each of these sectors can and in many cases do involve local, regional and interstate operations or a combination of the three which adds further complexity. It highlights the challenges for ensuring we strike the right balance for the proposed legislative changes to the Australian Road Rules.

In response to this question, the heavy vehicle industry across many of its sectors, has been proactive in adopting and implementing non-regulatory approaches to driver distraction. It is worth noting, that addressing 'driver distraction' is certainly not new and has been already and continues to be a major focus for many organisations. They have committed to ensuring 'driver distraction' has been a major topic of their safety strategies, policies and operational procedures. Many organisations continue to adopt approaches focused upon and underpinned by promoting the 'importance of accepting personal responsibility'.

This point was very much highlighted in the feedback provided by members of the VTA Long Distance Committee during the consultation process for this submission. The same message was echoed by other VTA members. It is also recognised there are many challenges, including the environment in which we operate, however, it is not regulations which will assist in more effective management of driver distraction but the increased awareness, understanding and acceptance of personal responsibility of every driver on the road.

2.3.6 Shared responsibility

Can you provide examples of strategies successfully implemented by other international jurisdictions and industries (for example, aviation) that could be applicable to driver distraction?

The VTA has read the contents of the 'Issues Paper' in relation to this question. The VTA is aware that other international jurisdictions and industries continue to conduct research into 'driver distraction', however, the VTA is unable to provide examples at this point in time.

2.3.7 The concept of chain of responsibility

Are there other parties besides the vehicle driver who can influence the risk of driver distraction? If so, are there mechanisms to ensure those parties are doing all that is reasonably practicable to ensure safety?

As already mentioned above and underpinned by 'Chain of Responsibility', the VTA believes that many organisations operating in the transport and logistics are taking their responsibilities and obligations very seriously and are indeed very committed to addressing the risks associated with driver distraction.



This extends well past managing mobile phone use and includes consideration and functionality of in-cab operations of equipment/displays and protocols. Vehicle manufacturers and suppliers are also directly involved in such processes. It is reasonable to suggest that the mechanisms are not always aligned due to different prevailing imperatives.

The VTA witnesses on an on-going basis that road managers and agencies also directly and indirectly impact upon the risk of driver distraction. This is particularly noted by examples of inappropriate and confusing road signage; traffic signalling and sequencing; messaging on mobile displays; and traffic management signal units and bulletins. The VTA does not question the intent and commitment to safety of these agencies, however, at times, it does have real concerns about their effectiveness and timeliness.

2.3.8 Technologies that can assist with (and distract from) the driving task

Can you provide examples of effective strategies for ensuring that new in-vehicle technology and mobile apps minimise driver distraction

The VTA is aware of a number of key transport and logistics organisations that are working closely with manufacturers and technology suppliers to reduce and minimise driver distraction when new in-vehicle technology and mobile applications are designed and implemented.

The VTA also acknowledges that given Australia's population, economies of scale and its overall international influence, Australia is primarily a 'receiver' of technological advances in relation to vehicle design and integration of technologies. The VTA still proposes that Australia must at least take all reasonable steps to endeavour to influence the key decision makers and stakeholders in minimizing driver distraction through improved integration and interface and device design.

2.2.9 Transition towards automation

Can you provide examples of strategies to ensure that users of partially automated vehicles are fully informed about their responsibilities, and the limitations of their vehicle's technology?

The VTA response to this question has been addressed in our response to question seven from a heavy vehicle perspective. Based upon our consultation processes for this submission, it was also made clear that with changes to any legislation, unintended and unforeseen consequences can result for the stakeholders. This project is no exception and needs to be carefully considered by the NTC through all processes of this project.

2.2.10 Prescriptive and performance-based approach to regulation

What evidence is available in support of a performance-based approach or a prescriptive approach for managing the risks of driver distraction?

The VTA understands the nature and impact of the transport and logistics industry being a very highly regulated industry. It is pro-active for greater 'harmonisation' of law, regulations and rules being addressed on a national basis. It is this lack of 'harmonisation' that restricts productivity and efficiency gains, as well as, improved safety outcomes for the transport and



logistics industry. The VTA supports performance-based approaches to regulation. The advantages out-weigh the negatives and such approaches allow for greater flexibility especially when accommodating future innovation and technology advances.

3.0 SUMMARY

The VTA acknowledges the complexities associated with driver distraction and support the need to review the three Australian Road Rules in order that they provide better outcomes for road users, regardless of the technology being applied.

The VTA is very aware and understands the significance of driver distraction for the transport and logistics industry and for all road users. As outlined in the above, the VTA wishes to highlight that there are both positive and negative distractions that affect drivers and this needs to be carefully considered in this project.

The VTA is also committed to continuously advancing safety and reducing all safety risks. The VTA will continue to support organisations and individuals who are committed to adopting approaches focused upon promoting the importance of accepting personal responsibility by all road users.

As mentioned in the above discussion, the VTA reiterates that any changes to the rules must be carefully consider the potential unintended consequences for all stakeholders.

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