

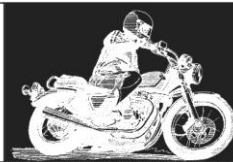
National Transport Commission

Developing technology-neutral road rules for driver distraction

Consultation Regulation Impact Statement

August 2019

MOTORCYCLE COUNCIL
OF NEW SOUTH WALES
INCORPORATED



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About the Motorcycle Council of NSW Inc.

The Motorcycle Council of NSW Inc. (MCC) is an internationally recognised umbrella group for motorcycle clubs, associations and ride groups in the state of New South Wales, representing over 50 clubs, with more than 41,000 riders.

Established in 1981, MCC is recognised as the peak motorcycle representative body in NSW and subject matter experts on many complex issues dealing with motorcycling, including crash data and statistics, traffic data and congestion information.

MCC has published documentation that has been referenced worldwide by overseas motorcycling and traffic bodies, and has produced video training films that have been utilised and referred to by many overseas trainers, researchers and ride associations.

The MCC wishes to thank the National Transport Commission for this opportunity to make a submission in response to the “Developing technology-neutral road rules for driver distraction” Consultation Regulation Impact Statement.

Should you require further information on the information contained within this submission, please feel free to contact the MCC enquiries@mccofnsw.org.au or 1300 NSW MCC (1300 679 622).

Regards,

Brian Wood
Secretary

Consultation Questions

Question 1: What other factors should be considered in the problem statement? 27

Response

None that the MCC can suggest

Question 2: Has the consultation RIS provided enough evidence to support the case for government intervention? What else should be considered and why? 27

Response

The consultation RIS has provided enough evidence to warrant government intervention. There are no other issues that we can suggest

Question 3: Are there issues relevant to developing technology-neutral road rules for driver distraction not covered by the process for addressing the problem? ... 35

Response

None that the MCC can suggest

Question 4: Can you provide evidence that would support a different treatment for cyclist distraction? 35

Response

No

Question 5: Do the proposed examples for proper control reduce the uncertainty about compliance with the offence in road rule 297(1)? What other elements do you think could be incorporated? 35

Response

Yes, they reduce the uncertainty around proper control. None that the MCC can suggest

Question 6: Are the four options clearly described? If not, please describe the areas that may be missing. 37

Response

Yes, the 4 options are adequately described

Question 7: Is the status quo option an accurate representation of the current state of the Australian Road Rules in relation to driver distraction? If not, please describe further. 43

Response

No, it is not clear how helmet devices will be classified. As helmets are worn on the head, are they 'wearables'? In road safety strategies helmets are dealt with under the Safer Vehicles pillar, in which case is an aftermarket device fitted to a helmet classified as 'mounted'? If the device is integral to the helmet, would it be treated in the same way as a device which is integral to the dashboard?

Is a communication device which is used to communicate between riders in close proximity which is either integral to a helmet or an aftermarket device, considered to be a 2 two radio or a CB radio?

Would a rear view visual display unit mounted on a helmet be treated is the same way as a reversing camera even though the display is operational at all times as opposed to a reversing camera which is only operational when the vehicle is reversing?

Question 8: Are there any high-risk distracting behaviours and interactions that have not been addressed by the proposed new offences? 56

Response

Helmet devices are not addressed.

Question 9: Can you propose an alternative approach for discouraging long eye glances off the roadway that is enforceable in practice? 56

Response

No

Question 10: Can you propose an alternative approach for discouraging high-risk voice-based interactions that is enforceable in practice? 56

Response

No

Question 11: Would a fully outcomes-based approach effectively mitigate the safety risks from diverse sources of distraction? 59

Response

Definitely not. It would be too open to interpretation by individual law enforcement officers. It would be difficult to determine if less distinct behaviours (for example, eating and personal grooming) would be deemed non-compliant.

Question 12: Does the proposed combination of prescriptive and performance-based components in the hybrid option sufficiently address all the sources of distraction that can significantly reduce driver performance? If not, please elaborate. 70

Response

Devices mounted on the windscreen need to be deemed non compliant with having proper control as they prevent the driver a full view ahead. Vehicles can be defected if the windscreen has a stone chip or crack as these are deemed to obstruct the driver's view. Devices need to be mounted below the level of the windscreen.

The issues of how helmet devices will be treated needs to be addressed.

Question 13: Do you agree with the impact categories and assessment criteria? If not, what additional impact categories or assessment criteria should be included? 93

Response

Yes

Question 14: Does our analysis accurately assess the road safety benefits for each reform option? Please provide any further information or data that may help to clearly describe or quantify the road safety benefits. 93

Response

As far as the MCC can determine

Question 15: Is the assumption that technology related distraction crashes would be 24 per cent higher in the absence of existing laws plausible? If not, can you provide any evidence that supports a different estimate?

Response

The MCC is unable to determine if it is plausible that related distraction crashes would be 24 per cent higher in the absence of existing laws.

Question 16: Has the consultation RIS captured the relevant individuals or groups that may be significantly affected by each of the options? Who else would you include and why? 93

Response

Helmet suppliers and suppliers of helmet devices need to be consulted as to how the proposed changes will affect their ability to supply equipment to the market now and in the future.

Question 17: Has the consultation RIS used an appropriate analytical method for assessing the benefits and costs of the options? What else should be considered? 93

Response

Yes

Question 18: On balance, do you agree that the preferred option best addresses the identified problem? If not, which option do you support? 95

Response

On balance yes, provided the issue of how helmet devices will be treated is adequately addressed.

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