



5<sup>th</sup> September, 2019

National Transport Commission

Att'n: Luis Gutiérrez

Public submission – Developing technology-neutral road rules for driver distraction

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Submissions to: [www.ntc.gov.au](http://www.ntc.gov.au)

**Subject: TIC submission to the National Transport Commission's – Developing Technology-Neutral Road Rules for Driver Distraction – Consultation RIS, released June 2019**

The Truck Industry Council (TIC) is the peak industry body representing manufacturers and distributors of heavy commercial vehicles (that is, with Gross Vehicle Mass above 3.5 tonne) or trucks in Australia. TIC members are responsible for producing, or importing and distributing 16 brands of truck for the Australian market, totalling more than 41,000 new heavy on-road vehicles sold in 2018. Of those vehicles, TIC members supplied to market over ninety-nine (99) per cent of trucks above 4.5 tonne Gross Vehicle Mass (GVM) last year. Additionally, TIC members also included two dedicated engine manufacturer's and two dedicated driveline manufacturers who supply major engine and driveline systems for both on highway and off highway truck applications.

In this submission TIC will respond only to issues that relate to heavy road transport vehicles (that is, with GVM above 3.5t), however TIC believes that a united and uniform approach must be taken for both light vehicle and heavy vehicle regulation for driver distraction.

1. What other factors should be considered in the problem statement?

**TIC comment:** TIC believes that the problem statement does not adequately consider the varying level of risk associated with a driver distraction "event" cause by the environment external to the vehicle. By way of example, a driver travelling on a straight well maintained road in good weather conditions at, or below, the posted speed limit, in an area of sparse human population, with no other vehicles or obstacles in visible sight, (a remote area road) is far less likely to be involved in a distraction related "event" if the driver were to take their eyes "off the road" for a couple of seconds (TIC is not suggesting that the driver should divert their attention/gaze from the road, but if they did, their actions are far less likely to lead to a distraction related event). By contrast, a driver travelling in a busy urban environment at, or below the posted speed limit, approaching a pedestrian crossing at a time when school has just finished for the day, with children, other moving vehicles and obstructions such as parked vehicles in close proximity, is far more likely to have a significant "event" even if distracted for a fraction of a second. If poor weather conditions and/or inappropriate speed were added to the mix, then the risk of a significant driver distraction event further increases. TIC believes that the problem statement should consider the risk associated with the driving environment external to the vehicle when considering the level/degree of a driver distraction, that is, a risk based approach to driver distraction should be considered.



2. Has the consultation RIS provided enough evidence to support the case for government intervention? What else should be considered & why?

**TIC comment:** TIC believes that the RIS has established a case for increased government intervention to reduce the likelihood of driver distraction related events. TIC however makes the point that government intervention must lead to a consistent and harmonised approach to regulation, application and enforcement of driver distraction across all Australian States and Territories. Current approaches, particularly enforcement activities, are inconsistent. This can be confusing and is of particular concern for drivers of heavy vehicles who very often operate trucks in different jurisdictions in a given week. TIC also points out that driver distraction is not unique to Australia, it is very much a global problem. Australia is a “technology taker” of vehicles and “in vehicle” technologies. In 2018, Australia experienced record heavy vehicle sales, greater than 41,000 new trucks were sold, however this amounted to approximately 0.8 of one percent (0.8%) of global new truck sales last year. Australian government must ensure that it does not develop unique vehicle requirements/technical specifications that affect vehicle design in the area of driver distraction. To do so would potentially limit the vehicles that truck manufactures could offer for sale in Australia, while driving up the cost of those trucks that are brought to market (unique Australian specifications would require specialist and specific development, the cost of which would have to be amortised against the limited number of trucks sold in Australia). TIC would urge Australian government to use its international affiliations, in particular Australia’s seat on the United Nations Economic Commission Working Party 29 - Global Vehicle Regulations Group to raise and promote potential driver distraction vehicle regulation that could be adopted as international regulations, benefiting road safety globally, including Australia of course.

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

**TIC comment:** Please see TIC’s comments in our response to Question 2, in reference to promoting global vehicle standards via Australia’s participation at UN-ECE Working Party 29 and Australia’s commitment to global vehicle standards as a signatory to the UN-ECE World Harmonisation of Vehicle Regulations – 1958 Agreement. TIC urges Australian government not to pursue an agenda of Australian unique vehicle, or road rule, regulations in respect of driver distraction. Unique Australian road rules may require Australian unique vehicle systems/designs, the results of which would limit vehicle choice for operators of heavy vehicles, as well as increase the cost of new trucks that would be available in Australia.

4. Can you provide evidence that would support a different treatment for cyclist distraction?

**TIC comment:** TIC believes that all road users, cyclists, motor bikes and pedestrians (acknowledging that the latter are potentially not within the scope of this discussion paper) should all be treated in the same way. All road users should be responsible and accountable for their actions, not just vehicle drivers. Of course, there must be due concessions given for age (the young and very old), visual and/or physical impairment, etc.

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

**TIC comment:** TIC believes that the proposed examples for control go some way to reducing the uncertainty about compliance with the offence in road rule 297(1). However further clarification of “*having acceleration and speed control*” should be considered, for example, “***having acceleration, deacceleration and speed control, and exercising the appropriate speed for the current environment***”.

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

**TIC comment:** TIC believes that all options have been clearly described.



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.

**TIC comment:** TIC believes that the Status Quo option intention is well described, it captures the numerous interpretations by State and Territories and highlights the current level of inconsistency and confusion that exists for drivers and enforcement authorities alike.

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

**TIC comment:** TIC believes the “current known” high-risk distracting behaviours and interactions should be addressed by the proposed new offences. However, there is no guarantee new high-risk distracting behaviours that may arise from new, yet to be developed, technologies will be addressed by the proposed new offences. Therefore, there is an ongoing requirement for regular review of the offences relating to high-risk distracting behaviours and interactions.

9. Can you propose an alternative approach for discouraging long eyeglances off the roadway that is enforceable in practice?

**TIC comment:** TIC believes that while there are technologies, such as eyesight monitoring technology, that can be useful in detecting eye movements and that such systems could be configured to detect long eye glances away from the road/driving task, that particular technology does not work under all driving conditions, for example, if the driver wears sunglasses (such eyewear can be considered something of an occupational health necessity for a truck driver in Australia given our high levels of sunlight during daytime driving). Also, such technology could only provide a warning to the driver, it cannot guarantee to focus the drivers gaze back to the road. Finally, and most importantly, there is no safe, or appropriate, maximum time limit for a driver’s gaze to be focused away from the road/driving task. As detailed in TIC’s response to Question 1, a glance away from the road/driving task for a fraction of a second could lead to a driver distraction related “event” if the external driving environment was particularly busy, confusing, changing, complex, etc. Finally, such technology while potentially retrofittable to older vehicles, is expensive and does not effectively address all, or even a significant proportion, of the existing Australian heavy vehicle fleet in a suitable timeframe.

10. Can you propose an alternative approach for discouraging high-risk voice-based interactions that are enforceable in practice?

**TIC comment:** TIC cannot offer an alternative approach for discouraging high-risk voice-based interactions, short of banning all voice activity in a vehicle!

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

**TIC comment:** TIC believes that while there are benefits from this approach, particularly the expansion of current technologies that could, or do, cause driver distraction would not be inhibited, nor would new and emerging technologies be hindered. There are potentially significant issues for drivers and enforcement authorities due to the “openness” of such regulation. Drivers would have no clear definition of what constitutes a driver distraction offence, nor would an enforcement officer, making driver distraction offences very subjective. This would not be a desirable outcome.

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

**TIC comment:** TIC believes that the proposed combination of prescriptive & performance-based components in the hybrid option sufficiently address all the “current known” sources of driver distraction. However, the prescriptive component of the hybrid option would require ongoing, regular, review of the



offences relating to high-risk distracting behaviours and interactions to maintain pace with new driver distraction sources and technologies, as well as, on the positive side, advancements with in-vehicle driver distraction mitigation technologies and systems. Such review and outcomes (revisions to the prescriptive requirements) must be nationally consistent. States and Territories must also commit to significant media and education campaigns that ensure drivers (and road users in general) are aware of changes to driver distraction regulations, laws and rules.

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

**TIC comment:** Such an assessment is very complex and TIC does not have sufficient expertise in this field to make significant comment on the NTC's approach. TIC does note however, that the impact categories and assessment criteria used in the Consultation RIS appear to be of quite a "high level" (not particularly broad, nor detailed). The review of Option 3, the Performance-based approach, appears to be somewhat subjective (noting that the Option itself is very subjective in its nature). TIC is of the view that the RIS assessment shows no significant "winning" option based on the financial model used, as such the financial assessment alone should not be used as the determining factor in choosing one option over another.

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.

**TIC comment:** Please refer to TIC's response to Question 13.

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?

**TIC comment:** TIC believes that this is a plausible assumption and that this conclusion supports the effectiveness of having a prescriptive component to any new driver distraction regulation.

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 & why?

**TIC comment:** TIC believes that while all relevant individuals or groups that may be significantly affected by each of the options have been considered, Option 3 in Table 21, does not adequately reflect the subjective nature of the regulation in use, by a driver and by enforcement by authorities. "*Technologically neutral. Subjective to apply and enforce*" would be a more relevant description.

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

**TIC comment:** Please refer to TIC's response to Question 13.

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

**TIC comment:** TIC supports Option 4 the Hybrid Option, the option preferred by the NTC's Consultation RIS. TIC believes that this option could be strengthened were the NTC to detail, in their final recommendations, that State and Territory governments must also implement:

- A system of ongoing, regular, review of the offences relating to high-risk distracting behaviours and interactions to maintain pace with new driver distraction sources and technologies, as well as, on the positive side, advancements with in-vehicle driver distraction mitigation technologies and systems.



- Such review and outcomes (revisions to the prescriptive requirements and subsequent updates to driver distraction regulations, laws and rules) must be nationally consistent.
- A commitment from all States and Territories for significant media and education campaigns to ensure drivers (and road users in general) are aware of changes to driver distraction regulations, laws and rules.

I trust that you find TIC's submission acceptable and that the issues that have been raised in this document will be considered in the review and development of technology-neutral road rules for driver distraction in Australia.

Please contact the undersigned, on 0408 225212 or [m.hammond@truck-industry-council.org](mailto:m.hammond@truck-industry-council.org) for any questions about this submission.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Mark Hammond', is written over a light blue horizontal line.

Mark Hammond  
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