



AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION

Submission to the National Transport Commission (NTC)

In response to the NTC's Issues Paper -
Developing Technology-Neutral Road Rules for Driver Distraction

10 SEPTEMBER 2019

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1. Introduction

The Australian Local Government Association (ALGA) appreciates the opportunity to make this submission to the National Transport Commission (NTC) in response to matters raised in the - Issues Paper *Developing technology-neutral road rules for driver distraction* June 2019.

The planning and funding of Australia's roads is inefficient and in urgent need of reform as noted in both Infrastructure Australia's 2015 Australian Infrastructure Audit and the Productivity Commission's 2014 Public Infrastructure Report. ALGA supports the notion of a more robust infrastructure pipeline being developed as part of the Australian Infrastructure Plan, including to address freight and supply chain priorities. However, the delivery of individual infrastructure projects should be dealt with as part of a comprehensive infrastructure plan and asset management framework. This infrastructure plan should be integrated and developed in consultation with all three levels of government.

As an asset manager, Local Government believes that major project prioritisation and selection, particularly of new road projects, needs to be appropriately balanced against the maintenance and renewal requirements of existing essential assets. In other words, asset formation should only occur in the context of detailed asset management plans, ideally integrated asset management plans across the three levels of government.

Local roads constitute around 75 per cent of the nation's roads by length. Most road freight journeys start or finish on a local road and the freight industry has consistently nominated first and last mile issues on local roads as a major impediment to a more efficient national freight system. For Local Government, efficient infrastructure – particularly roads, rail (for bulk products such as grain) and airports, is vital to ensure the sustainability of our cities and regional and rural councils, which enables them to maintain their significant contribution to the Australian economy.

2. Local Government Nationally

The Australian Local Government Association is the national voice of Local Government. It is a federated body of State and Territory Local Government associations that represent 537 Local Government authorities across the country.

Local Government nationally employs just under 189,500 Australians (around 10 per cent of the total public sector), owns and manages non-financial assets with an estimated written down value of \$426 billion (2017-18), accounting for 33.1% of Australia's public infrastructure, raises around 3.5 per cent of Australia's total taxation revenue per annum and has annual operational expenditure of around \$37 billion (2017- 18), six per cent of total public sector spending.

Local Government's expenditure is directed towards the provision of local infrastructure and services across the nation. These include: housing and community amenities; transport and communications; recreation and culture and general public services.

Independent research commissioned by ALGA in 2012 shows that a majority of Australians agree that local councils play an important role in their lives.

It should be noted that at an aggregate level, Local Government undertakes its work while being more than 80% self-funded. However, many rural and regional councils do not have the means to collect the same revenues as their urban and larger regional counterparts and are

consequently much more reliant on grant support from other levels of government. Adequate grant levels are absolutely critical for these councils to be able to function in the best interests of their residents and to equalise the availability of services and infrastructure across the country.

Considerable Local Government funds are spent on vital work that relates to broad national issues. As the level of government closest to the community, ALGA is aware of, and understands the myriad of challenges faced by local communities as they live, work and interact in an increasingly complex domestic and global environment. Local communities require support to respond and adapt to factors they cannot control, such as drought, natural disasters and economic upheavals.

Local Government strives, wherever possible, to assist communities to overcome these types of challenges, enhance their capacity to respond to new and unforeseen challenges and identify opportunities that can help build resilience and increase overall prosperity.

The Australian Government has shown that it understands and appreciates that Local Government's strength lies in its capacity to identify and respond to the diverse and emerging needs of communities across Australia. It has also shown its commitment to working with Local Government to achieve real and meaningful outcomes for local and regional communities. ALGA looks forward to the Government continuing this important partnership.

3. The Management of Transport Infrastructure Assets

The management of infrastructure remains a fundamental challenge for Local Government. Of the three levels of government, Local Government has the largest relative task in terms of asset management and the smallest relative revenue base, per the dot points below.

- Local roads account for around 75% of the total road length in Australia, or 662,000 kms.
- Local Government raises only 3.6% of Australia's total taxation revenues, whilst being responsible for managing 33% of public non-financial assets.
- Unlike other levels of government, Local Government has no direct mechanisms to raise funds for road construction and maintenance such as road user charges, registration charges, or any road- or transport-related fees or charges. It does not receive any of the access permit fee operators pay to the NHVR for permit applications.
- Local Government manages physical assets worth \$428 billion and each year has an operational expenditure of around \$37 billion. The infrastructure services provided by local governments, such as roads and bridges, libraries, sport, recreation and tourism facilities, amongst other services, facilitate economic activity and strengthen the Australian economy in the short and long term.
- Local Government is not only required to maintain its road networks, but upgrade them to modern lane widths and safety standards and increase load bearing capacities for higher productivity freight vehicles, higher traffic volumes, and to reduce congestion. This is exacerbated by the \$30 billion required to renew/replace ageing infrastructure needed now.
- Local Government owners of transport infrastructure face multiple, competing demands on their limited financial resources. Ratepayers are often left to fund transport networks for non-ratepayers, particularly where local roads provide for major arterial and through traffic or have economic significance beyond the access interests and responsibilities of Councils.

4. Synopsis

Australia's current road rules relating to driver distraction for technology devices:

- have not kept pace with the convergence of the mobile phone and new technology devices;
- inconsistently treat the sources of distraction and safety risks associated with certain behaviours;
- can be confusing for road users about what technology devices are illegal to use when driving.

The Australian Road Rules relating to driver distraction focus on specific types of technology being used by drivers, rather than the function of such technologies. They prevent or limit the use of particular technology devices – mobile phones, visual display units and television receivers – while permitting their use as driver's aids. The current national rules date back to 1999, when texting and calling were the most common features of a mobile phone.

The consultation regulatory impact statement (RIS) is comprehensive. It sets a clear context, explains the underpinning regulatory mechanisms, the necessity for reform to the existing framework and highlights the various factors that require consideration.

- The objective of the project is to see if there is a better way to regulate the safe use of technology devices as part of the road rules.
- The consultation RIS proposes technology-neutral regulatory options for addressing driver distraction, analyses their potential impacts and presents an evidence base for deciding on a preferred option.

5. Response to Consultation RIS questions

Question	Response
1. What other factors should be considered in the problem statement?	All factors appear to have been appropriately included.
2. Has the consultation RIS provided enough evidence to support the case for government intervention? What else should be considered and why?	Yes.
3. Are there issues relevant to developing technology-neutral road rules for driver distraction not covered by the process for addressing the problem?	No.
4. What other factors should be considered in the problem statement?	All factors appear to have been suitably included.
5. Has the consultation RIS provided enough evidence to support the case	Yes.

<p>for government intervention? What else should be considered and why?</p>	
<p>6. Are there issues relevant to developing technology-neutral road rules for driver distraction not covered by the process for addressing the problem?</p>	<p>No.</p>
<p>7. Can you provide evidence that would support a different treatment for cyclist distraction?</p>	<p>Accessibility of evidence on cyclists being distracted appears restricted. It's probably more difficult for a rider to be diverted without affecting "proper control" of their cycle (apart from tapping their screens), than the driver of a vehicle.</p> <p>Further work might be merited regarding cyclists, as well as the new modes of transport, e.g. e-scooters, powered skateboards and e-bikes.</p>
<p>8. 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?</p>	<p>The proposed new definition of "proper control", detailed in Section 3.2.3 of the Issues Paper, provides improved clarity of what's meant by this term.</p> <p>We would also need to consider how other offences, such as careless driving, dangerous driving, or reckless driving may also need to be considered in this space as well. This shouldn't detriment the scope of rule 297(1) being sharpened, as flagged in the paragraph immediately above.</p>
<p>9. Are the four options clearly described? If not, please describe the areas that may be missing.</p>	<p>Yes.</p>
<p>10. 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.</p>	<p>Yes.</p>
<p>11. Are there any high-risk distracting behaviours and interactions that have not been addressed by the proposed new offences?</p>	<p>No.</p>

<p>12. Can you propose an alternative approach for discouraging long eyeglances off the roadway that is enforceable in practice?</p>	<p>No.</p>
<p>13. Can you propose an alternative approach for discouraging high-risk voice-based interactions that is enforceable in practice?</p>	<p>No.</p>
<p>14. Would a fully outcomes-based approach effectively mitigate the safety risks from diverse sources of distraction?</p>	<p>No. Largely because enforcement of outcomes-based rules is difficult, likely resulting in reduced deterrence.</p>
<p>15. 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.</p>	<p>Yes. Nevertheless, the subjectivity of performance-based outcomes may provide enforcement difficulties.</p>
<p>16. Do you agree with the impact categories and assessment criteria? If not, what additional impact categories or assessment criteria should be included?</p>	<p>Yes.</p>
<p>17. 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.</p>	<p>Yes.</p>
<p>18. 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?</p>	<p>As mentioned in ALGA’s response to Question 7 earlier in this submission, further work might be merited regarding cyclists, as well as the new modes of transport, e.g. e-scooters, powered skateboards and e-bikes.</p> <p>That said, ALGA supports the key recommendation in the Issues Paper for a hybrid approach of prescriptive regulatory responses to causes of distraction, as well as an outcomes-based approach to a broad range of causes of driver distraction as the best option for address any potential</p>

	inconsistencies in the way the rules are interpreted between people driving and riding.
<p>19. Has the consultation RIS used an appropriate analytical method for assessing the benefits and costs of the options? What else should be considered?</p>	<p>Yes. This has resulted in a well-researched and considered hybrid option, which presents the best means to deliver a better way to regulate the safe use of technology devices as part of the road rules.</p> <p>The prescriptive portion of this option introduces a new set of offences targeting the observable and enforceable behaviour undertaken by drivers found by research to increase the risk of a crash.</p> <p>The performance-based approach portion of this option addresses sources of driver distraction that are difficult to regulate by prescriptive rule. This portion would specifically target behaviours or interactions with technology associated with activities that have been found to affect driving performance.</p>

6. Conclusion

ALGA welcomes the opportunity to provide this Submission in response to the NTC's Issues Paper: *Developing technology-neutral road rules for driver distraction* June 2019. ALGA looks forward to an on-going dialogue and consultation with the NTC as this view process continues.

Thank you for considering this submission.



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