

30th August, 2019

National Transport Commission  
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Dear Dr Miles,

**RE: Heavy Vehicle National Law Review**

Thank you for the opportunity to comment on the Safe People and Practices Issues paper. Bicycle NSW is a non-profit membership organisation and has served the peak advocacy body for people who ride bikes in NSW for over forty two years.

People riding bikes share the roads with heavy vehicles, and increased rates of construction in NSW have led to greater numbers of heavy vehicle movements. Unfortunately we have also seen a trend of increased bike rider fatalities in heavy vehicle crashes.

We believe the current law and enforcement is not working to protect people and to sufficiently reduce the heavy vehicle death and injury toll. We have seen 4 bike rider deaths in heavy vehicle related crashes in 2019, double the rate for 2018.<sup>i</sup> Plus 55 fatal heavy truck crashes in the 12 months to August 2019 in NSW, 4 more than in the previous 12 months.<sup>ii</sup>

We agree with industry that the current regulation framework is not fit for purpose to improve safety of all road users and we support this effort to amend it. We appreciate that there are many elements that go in to making heavy vehicles safer and that these need regulation that focuses on everyone making it home safely. These include

- Contract terms and requirements set by employers- these need to prioritise safe operation through training, and terms that support, require and reward safe practises
- The way in which vehicle operators behave – this needs effective monitoring focussed on actual safety practice, not meaningless form filling with penalties that don't relate to safety
- Whether vehicle schedulers allow sufficient time for drivers to comply with speed limits, accommodate congestion pressures and to have appropriate breaks
- The activities and behaviour of loading staff – this needs to ensure load balance and weights are balanced, safe and comply with mass limits and loading staff must avoid pressuring drivers to behave in unsafe ways such as speeding or driving whilst tired.
- Consigners and consignees need to ensure their requirements also support safe driving behaviour, and
- Packers need to keep accurate vehicle documentation<sup>iii</sup>

We agree it is essential to manage factors that make drivers safer, ensuring as far as possible they are capable of fulfilling the driving task safely, they are fit for duty, they are not fatigued and they demonstrate safe driving practices.<sup>iv</sup>

Bicycle NSW recently had the privilege of visiting Suez and learning about their safety practices and culture. We were deeply impressed by their commitment to safe practices at all levels of their business and we wrote about their use of technology,<sup>v</sup> the priority they place on safe drivers,<sup>vi</sup> and how they

tackle the challenge of keeping suburban roads safe.<sup>vii</sup> Safety really is their first priority and we commend them to you as a teaching example for the industry.

We are also impressed by the safety awareness raising of Powers Country Express<sup>viii</sup>, and we endorse the great work being done by the Amy Gillett Foundation to provide driver education to improve the understanding of issues and safety concerns of bike riders.<sup>ix</sup>

Currently operators who invest in improving safety are at a competitive disadvantage compared with those who cut corners or do the bare minimum. We want to see improved regulation that aligns with work health and safety law and brings everyone up to safe standards.

Bicycle NSW would also like to go one step further. We would like to see a scheme that recognizes and rewards safe operators. We would support a 'kite-mark' or award scheme for heavy vehicle operators that is based around exemplary practice and performance. Then people considering competing bids for contracts can evaluate based on more than just price.

Yours faithfully,

**Bastien Wallace**  
General Manger, Public Affairs

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<sup>i</sup> NSW Government, Road Safety, NSW Heavy Truck fatal Crashes as at 25<sup>th</sup> August 2019 [Online] 30/8/2019 [https://roadsafety.transport.nsw.gov.au/downloads/dynamic/weekly\\_stats/heavy-truck-fatal-crashes.pdf](https://roadsafety.transport.nsw.gov.au/downloads/dynamic/weekly_stats/heavy-truck-fatal-crashes.pdf)

<sup>ii</sup> NSW Government, Road Safety, NSW Heavy Truck fatal Crashes as at 25<sup>th</sup> August 2019 [Online] 30/8/2019 [https://roadsafety.transport.nsw.gov.au/downloads/dynamic/weekly\\_stats/heavy-truck-fatal-crashes.pdf](https://roadsafety.transport.nsw.gov.au/downloads/dynamic/weekly_stats/heavy-truck-fatal-crashes.pdf)

<sup>iii</sup> National Transport Commission, NTC Issues Paper - Safe People and Practices [Online] 30/8/2019 [https://www.ntc.gov.au/Media/Reports/\(D9EF3E34-883F-59B0-2FF4-C64C5F13E401\).pdf](https://www.ntc.gov.au/Media/Reports/(D9EF3E34-883F-59B0-2FF4-C64C5F13E401).pdf) Comment on page 16

<sup>iv</sup> National Transport Commission, NTC Issues Paper - Safe People and Practices [Online] 30/8/2019 [https://www.ntc.gov.au/Media/Reports/\(D9EF3E34-883F-59B0-2FF4-C64C5F13E401\).pdf](https://www.ntc.gov.au/Media/Reports/(D9EF3E34-883F-59B0-2FF4-C64C5F13E401).pdf) Comment on page 20

<sup>v</sup> Bicycle NSW, July 19, 2019 [Online] <https://bicyclensw.org.au/safety-through-technology/>

<sup>vi</sup> Bicycle NSW, July 19, 2019 [Online] <https://bicyclensw.org.au/drivers-are-key/>

<sup>vii</sup> Bicycle NSW, July 19, 2019 [Online] <https://bicyclensw.org.au/a-careful-visitor/>

<sup>viii</sup> Bicycle NSW, July 19, 2019 [Online] <https://bicyclensw.org.au/heavy-vehicles-looking-after-their-community/>

<sup>ix</sup> Amy Gillett Foundation, 2019 [Online] <https://www.amygillett.org.au/programs-resources/driver-training>