

9 December 2016

National Transport Commission
Public submission – Review of NVNL investigative and enforcement powers
Heavy Vehicle Compliance and Technology Team
Level 15/628 Bourke Street
Melbourne Vic 3000
Lodged online via: <http://www.ntc.gov.au/submissions/>

Dear Ms Beesley,

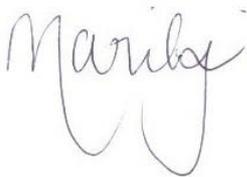
Thank you for the opportunity to provide feedback on the review of the National Transport Commission Review of HVNL investigative and enforcement powers Discussion Paper. The Amy Gillett Foundation has a direct interest in contributing to the conversation about heavy vehicles, particularly regarding the interaction with cyclists.

Since 2013, the Amy Gillett Foundation has been in partnership with Toll, Australia's leading provider of transport and logistics. Our joint goal is to promote safety on Australia's roads. Specifically, Toll and the Amy Gillett Foundation work together to educate drivers of heavy vehicles how to share the road safely with cyclists, a particularly vulnerable group of road users.

Of the 15 proposals made by the NTC, we have made direct comment on two proposals, as it is foreseeable that these proposals could impact the safety of cyclists. Our detailed comments are provided in the following pages.

We look forward to the outcomes from this review. Changes recommended by the proposals in this review could lead to changes that will have wide reaching implications, including for other road user groups. Please do not hesitate to contact me directly if you have any questions or require any additional information.

Kind regards,



Marilyn Johnson
Research and Policy Manager
The Amy Gillett Foundation

Amy Gillett Foundation

The Amy Gillett Foundation (AGF) is a national organisation with a mission to reduce the incidence of serious injury and death of bicycle riders in Australia. We draw on evidence and international best practice, and collaborate with governments, business and the community to create a safer environment for cyclists, while maintaining an efficient road network for all road users.

Cyclists and heavy vehicles

Safe practices within the heavy vehicle industry are critical to the safety of cyclists. International research identifies that heavy vehicles are overrepresented as counterparts, involved in up to 30 times as many fatal cyclist crashes as cars¹

A crash between a cyclist and a heavy vehicle is much more likely to result in outcomes for the cyclist that are serious, life-changing or fatal. As a result, the AGF is focused on actions that can improve the operations and on-road practices in the heavy vehicle industry.

In a [recent review](#) of police-reported cyclist crashes in Victoria from 2002 to 2012, heavy vehicles were involved in 4.3% of all cyclist crashes. However, heavy vehicles were involved in a third (35%) of cyclist fatality crashes. In a recent review of coronial reports of all cyclist fatality crashes in Victoria (in preparation) found that of the 40 crashes involving a heavy vehicle, a third (31.6%) involved a cyclist being dragged under the vehicle. Further, the age of the heavy vehicle fleet in Australia is also a major safety concern for other road users. Older vehicles are not equipped with technology considered standard on newer vehicles and in the review of coronial reports, 8 of the 20 heavy vehicles involved in fatality crashes, were 20 or more year old at the time of the crash.

We welcome the NTC review to improve the efficiencies of practices under the HVNL and CoR laws. It is foreseeable that some of the proposals will have broader road safety benefits beyond the initial intention of this review.

¹ McCarthy, M. and Gilbert, K. (1996). "Cyclist road deaths in London 1985-1992: drivers, vehicles, manoeuvres and injuries." *Accident Analysis and Prevention* **28**(2): 275-279

Response to NTC proposals

NTC proposal 2: Adopt Option 1: Amend Section 569 of the HVNL to clarify that electronic documents can be required to be produced in electronic form.

We support the proposal that electronic documents can be required in electronic form. The understanding of heavy vehicle operations that can be generated from all trip data, including telematics, provides important context about the industry that can be applied beyond the compliance with the HVNL and CoR laws. In the event of an incident between a heavy vehicle and a cyclist, understanding the prevalence of particular antecedent crash factors (e.g. speed, fatigue etc) across the industry can contribute to the investigation of specific crashes and effective policy action.

NTC Proposal 9: Adopt Option 1: Either through administrative processes or an amendment to the HVNL, require the NHVR to publish court outcomes including penalties imposed. The NTC considers that adopting Option 1 will raise awareness of heavy vehicle breaches and may lead to changes to non-compliant behaviour.

We agree that publishing the court outcomes will have an educational impact on heavy vehicle drivers and reduce non-compliant behaviour.

Further, in the event that a court outcome leads to changes in operation, we recommend that the NTC considers requiring this action to also be made public. It is foreseeable that a court outcome leads to change in an individual company that, if adopted more broadly, could have positive safety impacts across the industry and for other road users.