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Member for Blue Mountains



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New South Wales Parliament Legislative Assembly

ROAD RULES AMENDMENT (SLOWING DOWN FOR POLICE AND INCIDENT RESPONSE VEHICLES) BILL 2018

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I speak in favour of the Road Rules Amendment (Slowing Down for Police and Incident Response Vehicles) Bill 2018 brought to this House by my colleague Labor's shadow Minister for Roads and the member for Strathfield. The bill seeks to protect those who assist motorists. It is the culmination of work by Peter Frazer and the Sarah group to ensure that motorists, first responders and emergency services workers, as well as incident response workers such as NRMA mechanics or tow truck drivers are kept safe on our roads and highways.

The member for Strathfield introduced this bill in May during National Road Safety Week. At the time I made the observation that while road safety is important for every electorate, it is especially so in the Blue Mountains electorate. The Great Western Highway is a way of life for almost every resident of the Blue Mountains. Not only is it our connection to jobs and commerce in Sydney or Lithgow, it is also our main arterial road between each village and town to the shopping centres of Springwood, Katoomba and Winmalee. Likewise, for constituents in Mount Wilson, Mount Irvine and Mount Tomah at the northern end of my electorate, the Bells Line of Road is a similar fact of daily life for every resident.

For those reasons, road safety is front of mind for everyone in the Blue Mountains electorate. It is therefore not surprising that the push for a slow down, move over bill that properly protects emergency services workers and incident response workers has been brought to this place on the back of the tireless work of one of our own, Blue Mountains resident Peter Frazer. The Frazer family tragically lost 23-year-old Sarah in 2012, when she and the tow truck driver assisting her were struck by a heavy vehicle as they stood beside the road on the Hume Highway. The section of road at that location did not have a wide enough breakdown lane, which was clearly a contributing factor to the accident. But with a posted speed limit of 110 kilometres per hour, there was considerable risk regardless of the space available. That is why it is so important that vehicles slow down and move over as they pass a breakdown or road accident.

I note that the NSW Rural Fire Service Association, the Fire Brigade Employees Union and the Police Association of New South Wales have also been campaigning hard for the safety of their members and that this has culminated in the Government's legislation to protect emergency services workers exposed to similar risks on our

roadsides. But the NRMA and the Safer Australian Roads and Highways Group make the point that the current legislation, due to come into effect in September this year, does not go far enough. I note the genuine efforts by the Government to grapple with the road toll in this State. We have a situation on our roads where, despite cars being built to ever-improving safety standards and new roads infrastructure being of a higher quality and designed to ever more stringent requirements, the road toll is rising once again.

Motorists in the Blue Mountains would recall the horror road toll of the 1990s. In that decade, the average annual rate of road fatalities per 100,000 population was 10.92. We can put that down to a few things. The average age of the vehicle fleet on New South Wales roads then was older, the cars were less able to withstand a significant crash and they were more likely to be in a crash to begin with as they lacked active safety features such as traction control and anti-lock braking systems. Moreover, major arterial roads such as the Great Western Highway were often narrow, two-lane roads, where cars, trucks, cyclists and pedestrians competed for space on a narrow, winding road corridor.

I highlight this because in the absence today of these circumstances it is timely to consider why the road toll is still so high when our cars and road infrastructure have never been safer. Whereas in the 1980s the road toll was 16.75 per 100,000 people and in the 1990s it had reduced to 10.92 per 100,000, it has been stuck, over the past decade, at 5.66 per 100,000. The road toll in Germany, however, last year was 4.3, in Denmark it was 3.5 and in the United Kingdom it was 2.9. While we can account for some of these discrepancies with the types of journey undertaken and the prevalence of road trauma on country roads involving long journey times, where fatigue is clearly a factor, we must also acknowledge that driver distraction and inattention is a significant contributing factor to traumatic road accidents.

So the Government, rightly, has had to step in to create new laws to ensure safety on our roads. New laws allow electronic surveillance of roads to catch drivers using mobile phones. We have new laws to ensure drivers provide adequate space when passing cyclists, prompting—you would hope—motorists to pay closer attention to vulnerable road users in cycle lanes and on road shoulders beside the main traffic lane. Now we have a new law to compel motorists to slow down and move over as they pass emergency services vehicles. Once again, it is hoped that motorists will notice, pay attention to, and then respond thoughtfully, to roadside emergency services workers.

The bill we are debating seeks to address the one glaring omission in the Government's otherwise commendable legislation—the safety of motorists and incident responders such as NRMA workers or tow truck drivers on our roadsides. Labor acknowledges the work of the NRMA and their interstate counterparts on this issue. For example, the Royal Automobile Club of Western Australia, found that 91 per cent of patrols had experienced a near miss in the past 12 months and 20 per cent had experienced a near miss at least once a week. Furthermore, the Royal Automobile Club of Queensland [RACQ] urged our colleagues in the Queensland Parliament to avoid adopting the New South Wales Government's legislation, which the RACQ described as confusing and failing to offer proper protection to emergency services and roadside workers.

New South Wales has fallen behind nationally on this issue. South Australia has had similar laws in force since 2014. Victoria has had laws in force since last year and Western Australian laws came into effect in May 2018. There is therefore no reason I can see not to follow suit and harmonise our legislation with other jurisdictions. This is, after all, the standard practice with other road safety matters. We harmonised the vast bulk of our

road rules nationwide with the adoption of the Australian Road Rules Act in 1999 at a Federal level and the States adopting this Act as their own rules by legislation.

It should therefore not only be a very easy process but indeed a very desirable one to have a single standard across as many States and Territories as practical for the safety of roadside emergency service workers and incident responders such as NRMA mechanics and tow truck drivers. So it ought to be a very simple and very unremarkable process that we now follow, in which the Government either supports this bill today or it amends its own legislation to capture the objects of this private member's bill. This bill is not about the Minister for Roads being wedged by the Opposition, though I fear if she continues to dig her heels in against the measures we have put forward that she will find herself wedged nonetheless in the eyes of the community and within the public debate.

We should set that to one side and come together to give these workers left out by the Government's legislation the safest possible work place, include in these new road rules incident responders such as the NRMA mechanics and tow truck drivers who come to our aid on the roadside and make sure motorists do slow down and move over as they pass breakdowns or road accidents. The Sarah Group's catch cry is "Drive So Others Survive". I note that Peter Frazer has been putting forward this very simple message in the six years since the tragic loss of his daughter Sarah. It is therefore high time we put that message into the statutes and ensured that everybody who travels or works on our roads is safe, and that they are given the best possible chance of making it home safely on our roads and highways.