



AIHS

Australian
Institute of
Health & Safety

Think forward

NSW Joint Standing Committee on Road Safety:
Speed limits and road safety in regional NSW, 5 July
2022

Acknowledgement of Indigenous Peoples

We acknowledge the Traditional Owners of Australia and their ongoing strength in practising the world's oldest living culture. We acknowledge the Traditional Owners of the lands and waters on which we live and work, and we acknowledge that sovereignties of these lands and waters were never ceded. We pay our respects to Traditional Owners' Elders past and present, and commit to supporting them and Indigenous emerging leaders to create more equitable, healthy, and safe workplaces for all Australians, and in particular for those most disadvantaged.

Introduction

1. We represent approximately 4,000 work health and safety (WHS) professional and practitioners nationally, including more than 800 based in NSW. As the peak body for the WHS profession, we believe our members and the broader WHS professional community provide a unique perspective on WHS matters.
2. Our members advise and support employers and workers on WHS matters and are often tasked with interpreting state guidance and laws to be implemented and have affect in workplaces. Ultimately, our profession plays a key role in protecting and enhancing the health and safety of Australian workers. This work benefits workers' families, employers, communities and governments.
3. In 2012–13, work-related injury and disease cost the Australian economy \$61.8 billion, representing 4.1% of gross domestic product (GDP) ([Safe Work Australia, 2013](#)). Most of these costs (95%) was borne by individuals and society. Workers bore 77%, the community 18% and employers 5%. Injuries (as opposed to illnesses/diseases) accounted for \$28 billion (45%) of the cost.
4. As per the Occupational Health and Safety Body of Knowledge Chapter on Vehicles and Occupational Road Use ([Chapter 30: Vehicles and Occupational Road Use – The OHS Body of Knowledge \(ohsbok.org.au\)](#)):

Roadways are workplaces for occupational-vehicle users and road workers. Occupational road-vehicle users – drivers of short- and long-haul, light and heavy vehicles, including trucks, buses, vans, cars and utilities – face risks experienced by all road users as well as risks specific to work design and occupational demands. The work environment of occupational road users is atypical, shared with non-work road users, and regulated by both work- and road-related policy. While heavy-vehicle users are a readily identifiable occupational-road-use group and their significant injury burden is well documented, injury and fatality data for other occupational road users is difficult to access and fraught with definitional complexities. Regardless, occupational road use is the most common cause of work-related traumatic injury and death in most western countries, including Australia.

5. 'Vehicle collisions' made up the highest proportion of worker fatalities in 2020 with 80 lives lost (41%). Whilst it is noted that "Vehicles include not only road vehicles such as cars and trucks, but also machines such as aircraft, boats, loaders, tractors and quad bikes.", the impact from road incidents on WHS outcomes is undeniably significant ([Safe Work Australia, 2020](#), pg. 3).
6. Between 2016 and 2020, 'transport, postal and warehousing' made up the highest rolling five-year average worker fatalities of 49 per year, and the second highest rolling five-year fatality rate of 7.7 (fatalities per 100,000 workers).
7. In NSW, almost 30% of workplace fatalities are a result of road crashes, and around one in four deaths on NSW roads are people driving for work ([Safe Work NSW, 2022](#)).
8. We welcome the opportunity to provide a submission on this important inquiry. As per the Terms of Reference, the Committee is tasked with inquiring into and reporting on speed limits and road safety in regional New South Wales (NSW), with reference to:
 - a) The impact of speed limits and travel times on driver behaviour and safety
 - b) The impact of improved vehicle technology and road infrastructure
 - c) The use of variable speed limits
 - d) Any other related matters.

Our submission

We make the following points for the Committee's consideration:

9. Like other parts of regional Australia, workers and citizens driving within regional NSW are proportionally more likely to experience greater rates of harm compared to those driving in metropolitan or urban environments. Research statistics show that despite less people living and working in regional NSW, there are proportionally a greater number of crashes ([Road Traffic Crashes, NSW, 2020](#), Table 27), including fatal crashes.
10. The underlying causes of this anomaly are varied and multi-factorial, but include:
 - a. Poorer conditions and standards of physical road infrastructure in regional compared to urban areas
 - b. Greater distances being travelled, and
 - c. Sparser policing and other deterrent measures to incentivise driving compliance.

Driving in regional, rural or remote areas is a known and well-established risk factor in the activity of operating a vehicle.

11. The road toll has a significant physical, financial and psychological impact on workplaces, families and communities, and state budgets. Road incidents create significant trauma for survivors and their families, and often result in permanent impacts on stakeholders including victims, employers, families, communities, investigators, and emergency responders.
12. Under s19 of the [NSW Work Health and Safety Act \(2011\)](#), persons conducting a business or undertaking (PCBUs) have a duty to ensure, so far as is reasonably practicable, the health and safety of:
 - a. workers engaged, or caused to be engaged by the PCBU, and
 - b. workers whose activities in carrying out work are influenced or directed by the PCBU, while the workers are at work in the business or undertaking.
13. PCBUs must also ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.
14. Without limiting the above duties, PCBUs must also ensure, so far as is reasonably practicable:
 - a. the provision and maintenance of a work environment without risks to health and safety, and
 - b. the provision and maintenance of safe plant and structures, and
 - c. the provision and maintenance of safe systems of work, and
 - d. the safe use, handling, and storage of plant, structures and substances, and
 - e. the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities, and
 - f. the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking, and
 - g. that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.
15. s28 of the Work Health and Safety Act (2011) states that workers while at work must:
 - a. take reasonable care for their own health and safety, and

- b. take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons, and
 - c. comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the PCBU to allow the person to comply with the WHS Act, and
 - d. co-operate with any reasonable policy or procedure of the PCBU relating to health or safety at the workplace that has been notified to workers.
16. Many organisations discharge these duties in relation to the risks associated with driving via various means, including ensuring workers have minimal measures in place before driving for work (e.g. valid driver's license, vehicle roadworthy documentation). They also use management procedures such as journey management plans, implementing driving rules (e.g. resting for 15 minutes every two hours), and other controls.
 17. Road systems are complex systems because they involve people. Drivers and pedestrians make frequent, rapid decisions of judgement based on imperfect information, biases and variable capabilities. Fatigue, alcohol and other performance-affecting substances, concentration and distractions all fall into the melting pot of causal factors and latent conditions that give rise to vehicle incidents.
 18. In Australia, thanks to the work of bodies such as the Australasian New Car Assessment Program (ANCAP), vehicle technologies continue to improve. Larger PCBUs sometimes require that "grey fleet" vehicles, those being personal vehicles used for work purposes, and corporate fleets meet minimum safety standards. Whilst these vehicles increasingly feature "cruise control" and similar technologies, we do not consider them a substitute for human operators concentrating on the road environment and driving in lower speed environments.
 19. Road systems are also complex because of the inherent variability in their physical make-up and the natural environments in which they sit. Whilst the state continues to invest in road infrastructure repairs, maintenance and upgrade works, increasingly intense climatic conditions and ongoing use of the road network will ensure conditions continue to degrade and require ongoing attention. It is unlikely that the investment, scale and pace of these works will ever lead to the justification of regional speed limits being increased.
 20. There are a range of measures that policymakers can implement to mitigate overall road system risk. Speed limits are just one of these. In terms of WHS legislation and practice, speed limits are considered to be an effective administrative control, insofar as their effectiveness relies on individuals 1) observing and being aware of the speed limit for a given road, 2) understanding the speed limit and how to operate their vehicle accordingly, and 3) demonstrating the willingness and ability to adhere to the speed limit for the duration of their journey.
 21. Variable speed limits are necessary to guide road users safely through spatially or temporarily variable areas of risk, such as when roadworks, congestion or other disruptions are occurring. We support the use of variable speed limits provided they meet state standards, and their design does not add to driver confusion or misperception.
 22. For any speed limit communication requirement, PCBUs should always strive to eliminate the risk to workers by implementing remote-controlled equipment rather than hand-held signage. There have been multiple instances of traffic controllers sustaining injuries or fatalities around Australia.
 23. Ultimately, road systems are complex systems with inputs, processes and outputs. By reducing vehicle speeds there is less kinetic energy in these systems. This means lower likelihood of incidents, and reduced severity of harm to incident participants.

Our views

24. Our views are that:

- a) Whilst lower speed limits may make trips longer, regional NSW speed limits should generally not be increased.
- b) Reducing and maintaining lower speed limits is an efficient and effective way to reduce energy in road systems. Lower speeds mean greater time for more participants to make better decisions, and less energy in the road system to cause harm to participants.
- c) Lower speed limits help WHS duty holders to better manage risks to their workers and other people. Lower speed limits make it easier for PCBUs to reduce the WHS risk to their workers and others affected by the undertakings of their business, by virtue of the state providing the legal instruction, monitoring and enforcement of the administrative rule.
- d) Whilst lower speed limits may frustrate some road users and therefore negatively affect their behaviour, this burden is outweighed by the significant gains in reduced rates of road trauma, and subsequently the impacts on workers, their communities and families, and state budgets
- e) Whilst vehicle technologies continue to improve and features such as “cruise control” help road users meet speed limits, human attention and concentration are still a vital component in achieving safe road outcomes.
- f) Increasingly intense climatic conditions and network use will mean road infrastructure investments must continue, but these will likely never sufficiently enhance road systems to the point of justifying the increase of regional speed limits.
- g) Anecdotally we believe that the use of spatially and temporally variable speed limits is appropriate, provided signage meets state and other regulatory standards, and does not add to driver confusion.
- h) We support the use of virtual message boards and other communication technologies to eliminate risks to traffic controller workers as far as reasonably practicable.

25. Roads continue to be a hazardous environment for NSW workers and the public. Lower speed limits in regional NSW impose a small burden on road users in exchange for significant community, industry and state benefits.

References

Traffic controller killed in suspected hit and run on Bruce Highway near Mackay – Oct 2021

<https://7news.com.au/news/disaster-and-emergency/traffic-controller-killed-in-suspected-hit-and-run-on-bruce-highway-near-mackay-c-4333002>

Traffic controller who witnessed wife's death at work wants better protection for road workers – Aug 2019

<https://www.abc.net.au/news/2019-08-19/traffic-controller-witnessed-wifes-death-wants-better-protection/11428132#:~:text=Suzanne%20Caudell%20was%20killed%20in%202013%20while%20working,technology%20can%20reduce%20the%20risk%20to%20road%20workers>

Queensland traffic controller killed at work site – Sep 2015

<https://www.news.com.au/national/breaking-news/qld-traffic-controller-killed-at-work-site/news-story/0eb62324189bf68d843663ec8595e6ea>

NSW Work Health and Safety Act 2011

<https://legislation.nsw.gov.au/view/html/inforce/current/act-2011-010>

Safe Work NSW – Road Safety

<https://www.safework.nsw.gov.au/hazards-a-z/road-safety>

Safe Work Australia Work-Related Injuries

<https://www.safeworkaustralia.gov.au/data-and-research/work-related-injuries/cost-injury-and-illness-state-and-territory>

Occupational Health and Safety Body of Knowledge – Vehicle and Occupational Road Use

<https://www.ohsbok.org.au/chapter-30-physical-hazards-vehicles-and-occupational-road-use/#1548328004981-b89ce6eb-6a9a>

Road traffic casualty crashes in NSW – Statistical Statement to year end 31 Dec 2020

<https://roadsafety.transport.nsw.gov.au/downloads/crashstats2020.pdf>