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CABINET DECISION

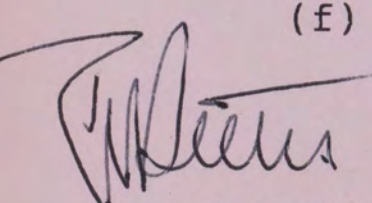
No. 6902

Submission No.: 5902

Title: BAN RIDING IN THE BACK OF TRUCKS

Cabinet approved -

- (a) an amendment to the Traffic Regulations to effect a ban on riding in the open load space of vehicles from 1 January 1994;
- (b) amendments to the Motor Vehicle Act and Standards Regulations to allow the Registrar of Motor Vehicles to approve certain vehicles, modified to provide adequate protection for passengers travelling in an open load space in the event of a roll-over;
- (c) amendments to the Traffic Act/Regulations to require drivers of vehicles to be subject to zero BAC (or .02 for enforcement purposes) when carrying passengers in the open load space;
- (d) amendments to the Traffic Regulations to provide indemnity for Police Officers and Transport Inspectors who, under exceptional circumstances, waive the legislative requirements, and in the event of a subsequent accident;
- (e) development of an education and promotion package by the Road Safety Council to:
 - (i) explain and publicise the proposed ban on open load space travel, and
 - (ii) convince those organisations and bodies responsible for the transport of groups of people, to purchase vehicles specifically designed for the purpose; and
- (f) general penalties and TIN penalties to apply to drivers and passengers in breach of the regulations.



R. A. SETTER

Secretary to Cabinet.

4 July 1991

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FOR CABINET

SUBMISSION No: 5902.....

<p>Title:</p> <p>Minister</p> <p>Purpose:</p> <p>Relation to existing policy:</p> <p>Timing/ legislative priority:</p> <p>Announcement of decision, tabling, etc:</p> <p>Action required before announcement:</p> <p>Staffing implications, numbers and costs, etc:</p> <p>Total cost:</p>	<p>Ban Riding in the Back of Trucks</p> <p>Hon Fred Finch, MLA, Minister for Transport and Works</p> <p>Amend Traffic and Motor Vehicle Legislation to ban the practice of riding in the open load space of vehicles from 1 January, 1993.</p> <p>Consistent with road safety policy to reduce the NT's road fatality and injury levels.</p> <p>Commencement of legislation, 1 January 1993.</p> <p>At Minister's discretion.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Approx \$40,000 cost to the Road Safety Council for publicity/promotion package.</p>
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Department/Authority TERRITORY INSURANCE OFFICE

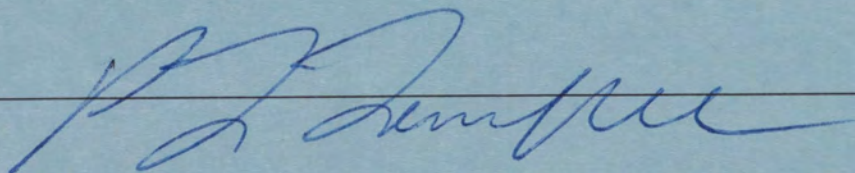
COMMENT ON CABINET SUBMISSION No.

TITLE: BAN RIDING IN THE BACK OF TRUCKS

COMMENTS:

Submission supported.

SIGNED:



DESIGNATION:

CHAIRMAN & CHIEF EXECUTIVE

DATE:

26/04/91 **CONFIDENTIAL**

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Department/Authority: LAW

COMMENT ON CABINET SUBMISSION NO.

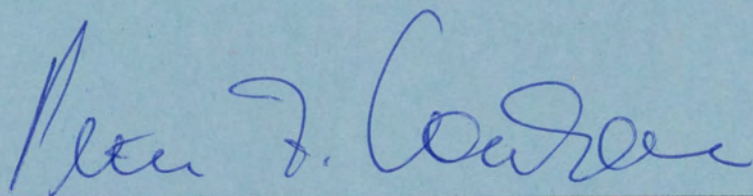
TITLE: BAN RIDING IN THE BACK OF TRUCKS

COMMENTS:

There appear to be no constitutional or legal barriers to the proposal.

LEGAL RESOURCE IMPLICATIONS:

The Submission does not appear to raise any additional legal resource implications at this point in time.



SIGNED: Peter Conran
DESIGNATION: Secretary, Department of Law
DATE: 5 April 1991

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Department/Authority ~~xxxxxxx~~ of the Chief Minister.....

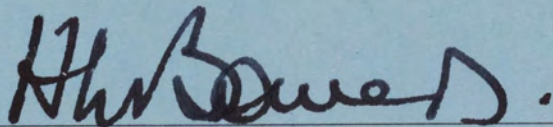
COMMENT ON CABINET SUBMISSION No.

TITLE: BAN RIDING IN THE BACKS OF TRUCKS.....

COMMENTS:

The proposal to ban the practice of riding in the open load space of vehicles" is supported.

Attention should be drawn to the fact that significant costs may flow to Government from Aboriginal community demands to fund conversion costs for existing community vehicles, or to provide funding for replacement vehicles designed to meet these requirements.



SIGNED: HUGH BOWERS

DESIGNATION: SECRETARY

DATE: 12 APR 1991

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HEALTH AND COMMUNITY SERVICES

Department/Authority

COMMENT ON CABINET SUBMISSION No.

BAN RIDING IN THE BACK OF TRUCKS

TITLE:

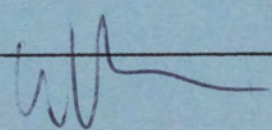
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COMMENTS:

The submission is supported.

This Department reiterates its comments regarding the need for the involvement of Aboriginal organisations in the development of the education and promotion package by the Road Safety Council, e.g. community councils, CAAC, the NLC and the CLC.

SIGNED: 

DESIGNATION: SECRETARY

DATE: APRIL, 1991

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Department/Authority: DEPARTMENT OF EDUCATION

COMMENT ON CABINET SUBMISSION NO:

TITLE: BAN RIDING IN THE BACK OF TRUCKS

The Submission is supported.

SIGNED:

A. J. J.

DESIGNATION: a/SECRETARY

DATE: 11-04-1991

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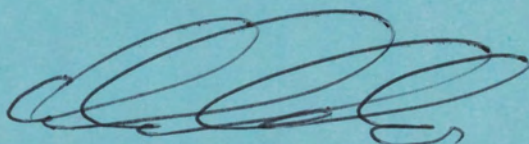
Department/Authority.....INDUSTRIES & DEVELOPMENT.....

COMMENT ON CABINET SUBMISSION No.

TITLE:BAN RIDING IN THE BACKS OF TRUCKS.....

COMMENTS:

The submission is supported.



SIGNED: O ALDER

DESIGNATION: SECRETARY

DATE: April 1991 **CONFIDENTIAL**

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Department/Authority NORTHERN TERRITORY POLICE, FIRE AND EMERGENCY SERVICES

COMMENT ON CABINET SUBMISSION No.

TITLE: BAN RIDING IN BACK OF TRUCKS

COMMENTS:

The recommendations of the Submission are supported.

Paragraph 32 refers to police responding in a "practical way to breaches detected in the field". Although there will be an opportunity to address this issue during consultation on legislation, concern remains, and needs to be considered, as to what "practical" action would be seen to be relevant, for example, when an officer apprehends a non-complying utility/truck full of people half way between Alice Springs and Yuendumu or Top Springs and Katherine. If the vehicle for "practicality" is allowed to continue, thereby eliminating the various risks attached to stranding the passengers on the spot, but thereafter is involved in an accident (eg roll-over) resulting in deaths/injury, what would be the legal position of the officer/the Department/Government (including civil liability)? The Northern Territory's diversity will present difficulty in legislating for a practical police response to offences of the nature referred to and probably needs to be addressed prior to any public announcement.

SIGNED:  W L GOEDEGEBUURE

DESIGNATION: ACTING COMMISSIONER OF POLICE

DATE: 9 APRIL 1991

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CORRECTIONAL SERVICES

Department/Authority

COMMENT ON CABINET SUBMISSION No.

BAN RIDING IN THE BACK OF TRUCKS

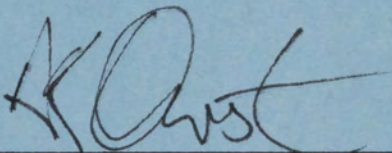
TITLE:

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COMMENTS:

This Department supports the submission.



SIGNED: D.K. OWSTON

DESIGNATION: SECRETARY

DATE: 12 APRIL 1991

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Department/Authority.....NORTHERN TERRITORY TREASURY.....

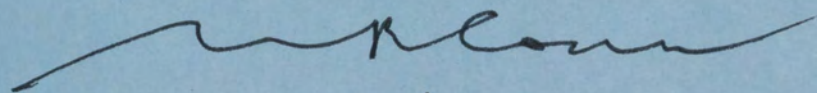
COMMENT ON CABINET SUBMISSION No.

TITLE:BAN RIDING IN THE BACK OF TRUCKS.....

COMMENTS:

The Submission is supported.

If approached TIO may be willing to sponsor the costs of the Road Safety Council education program because a successful campaign would deliver significant savings.



SIGNED: N R CONN

DESIGNATION: UNDER TREASURER

DATE: 9 APRIL 1991

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Department/Authority..... ROAD SAFETY COUNCIL OF THE NORTHERN TERRITORY.....

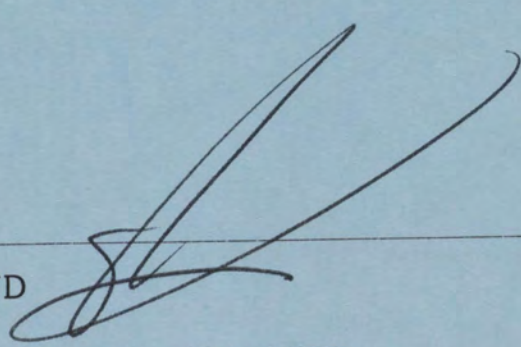
COMMENT ON CABINET SUBMISSION No.

TITLE: BAN RIDING IN THE BACK OF TRUCKS.....

COMMENTS:

The Road Safety Council of the Northern Territory strongly supports the proposed legislation and method of implementation. The Council is pleased to see that adequate funding is provided for the implementation phase as we are of the opinion that without prior public awareness the credibility of the legislation and its enforcement will be lessened.

The Council will cooperate fully with the regulatory authorities in the development of its proposed programmes.

SIGNED: D R BOYD 

DESIGNATION: EXECUTIVE OFFICER

DATE: 15 APRIL 1991

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RECOMMENDATIONS

1. That Cabinet approves:
 - a) an amendment to the Traffic Regulations to effect a ban on riding in the open load space of vehicles from 1 January 1993;
 - b) amendments to the Motor Vehicle Act and Standards Regulations to allow the Registrar of Motor Vehicles to approve certain vehicles, modified with a roll cage, to be used for passengers in an open load space as an alternative to the outright ban;
 - c) amendments to the Traffic Act/Regulations to require drivers of vehicles to be subject to zero BAC (or .02 for enforcement purposes) when carrying passengers in the open load space;
 - d) development of an education and promotion package by the Road Safety Council to:
 - (i) explain and publicise the proposed ban on open load space travel and
 - (ii) convince those organisations and bodies responsible for the transport of groups of people, to purchase vehicles specifically designed for the purpose;
 - e) general penalties and TIN penalties to apply to drivers and passengers in breach of the regulations.

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BACKGROUND

2. Over the period 1978-90, a total of 74 persons were killed while riding unrestrained in the open load space of vehicles. This represents 9.2% of all road fatalities over that period. (A statistical summary of injury/fatality levels for 1978-1990 is set out at Attachment "A").

3. In 1990, eight people were killed while riding in the open load space of vehicles in the NT. This represented 12% of the total fatalities for the year.

4. The average for the past five years is 6 fatalities and 42 injuries per year, i.e. 8.9% of the fatalities and 3.2% of injuries respectively.

CONSIDERATION OF THE ISSUES

5. Persons riding unrestrained in the open load space of a vehicle face significant additional risk of death or serious injury, particularly spinal and head related.

6. From a community viewpoint, serious injury causes as much concern as fatalities when it is recognised that ongoing costs and care requirements for spinal injuries are so high. TIO works on a community cost of some \$750,000 for a paraplegic or a quadriplegic of about 20 years of age, where the person is unable to return to the workforce.

7. There are two basic forms of accident resulting from open load space travel:

i) driver action related and

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ii) passenger action related. Not all fatalities or injuries occur as a result of the vehicle being involved in an accident. Often, victims just fall from the rear tray of the vehicle.

8. People travelling in the open load space of a vehicle are not required under current legislation to wear a seat belt or to be adequately and safely restrained.

9. Aboriginals represented 70% of the fatalities that involved open load space travel during the period 1986-1988.

10. A significant proportion of travel in the open load space of vehicles is in 4WD vehicles. These vehicles have a significantly higher likelihood of being in a rollover type accident because of the higher centre of gravity and different handling characteristics.

11. Fatal accidents from January 1986 to 30 June 1988 involving smaller utility type vehicles totalled 60, of which 35 were 4WD configuration.

12. A road safety research study recently undertaken by the Transport and Road Research Laboratory of the UK and funded by the Asian Development Bank, included the examination of backs of trucks accidents in Papua New Guinea.

13. As part of the study, several physical roll tests were carried out using dummies in the rear of utilities. The roll tests included assessment of injuries in typical single vehicle rollovers, both unprotected and protected by roll bars and a cage. Potential injuries were assessed as considerably less severe when roll cage protection was in use.

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14. Standards and technical guidelines for the construction of roll cages would be developed by the Department in consultation with available expertise.

15. One way to reduce the level of injuries and fatalities resulting from single vehicle rollovers in the NT is to ban the practice of people riding in the open load space of vehicles.

16. However, it is recognised that the practice is widespread in the remote rural areas of the Territory where four wheel drive vehicles are commonly used to transport Aboriginal groups, rather than conventional buses and coaches.

17. Before any outright ban on the practice is introduced, it will be necessary to issue an adequate warning of the intention, i.e. a lead time of about two years, with the ban to commence 1 January 1993.

18. This would give remote area communities time in which to convert to conventional means of transporting groups of people, such as mini buses and coaches.

19. Where conventional buses and coaches are not a practical proposition due to poor local road conditions, the Registrar of Motor Vehicles should have the power to set guidelines and approve vehicles designed with special roll over cages. Given the extra safety risk to passengers in an open load space a zero alcohol requirement is also proposed for drivers.

20. It would be necessary for the Road Safety Council to launch an extensive education and publicity programme leading up to the ban.

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21. The programme would cover:

- i) education for those who use this form of transport on the ultimate effect of the ban;
- ii) advice on modifications to vehicles - fitting of roll cages, etc;
- iii) education on competency requirements for drivers faced with extra responsibility of carrying passengers;
- iv) dangers of alcohol, distance and speed;
- v) the programme would be developed in consultation with interested parties, e.g. CAAMA, Health and Community Services Health Promotion Branch and Aboriginal communities etc.

OPTIONS

22. There are three main options available;

- Option 1 Do nothing. Allow the present practice of riding in the open space of vehicles to continue.
- Option 2 Implement a total ban on the practice.
- Option 3 Implement a ban effective from 1 January 1993, but allow certain vehicles to be modified with a roll cage to a standard acceptable to the Registrar of Motor Vehicles.

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DISCUSSION OF THE OPTIONS

23. Option 1 is not recommended. It does not address the serious road safety problem associated with riding in the open load space of vehicles.

24. Option 2 is not favoured. It would lead to undue hardship in the remote areas of the NT where there are no other suitable vehicles and road conditions prevent the use of conventional mass passenger carrying vehicles.

25. Option 3 is recommended. The practice would in effect be banned totally, however, the provision of roll cages on suitable vehicles would take into account the special needs of the more remote sectors of the community. Fatality and injury levels would be reduced. Compromise of enforcement measures would be minimised.

PUBLIC IMPACT OF RECOMMENDATIONS

26. A significant proportion of the Territory's rural community relies heavily on people carrying vehicles for day-to-day transport. The vehicles used are predominantly what could be termed as dual purpose, ie 4WD utilities, conventional utes and trucks of any size with open rear trays.

27. The proposed ban will have most impact in remote rural communities, but adequate provision for fitting roll cages will be allowed in cases approved by the Registrar.

28. The general public is likely to accept the fact that the proposed ban is based on sound road safety sense and is intended to reduce the number of people killed and injured each year.

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FINANCIAL CONSIDERATIONS

29. Any reduction in the NT's road fatality and injury level is a financial advantage to the community as a whole.

30. On average, the direct cost to the TIO for a fatality where the deceased was single is \$2,500. If the deceased has dependants the average is in the order of \$150,000. Costs from permanent incapacity through injury are considerably higher.

31. There will be an initial cost of about \$40,000 to the Road Safety Council for the establishment of an education programme in the lead up to the ban. Other organisations may also see it as in their interest to supplement this with further education and publicity in consultation with the Road Safety Council. The Police and Correctional Services may also need to outlay additional funds to enable vehicles used for carrying persons in their custody to comply.

LEGISLATION

32. To effect a ban with roll cage and zero alcohol provisions will require amendments to the Traffic Act and Regulations, Motor Vehicles Act and Regulations and the Vehicle Standards Regulations. Provision will be required for the Police to respond in a practical way to breaches detected in the field.

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CO-ORDINATION AND CONSULTATION

33. The submission has been circulated to the TIO, Departments of Law, Chief Minister, Health and Community Services, Education, Industries and Development, Police, Correctional Services, the NT Treasury and to the Road Safety Council.

PUBLICITY

34. To be announced by the Minister after Cabinet's decision. An extensive education programme to be developed by the Road Safety Council.

TIMING

35. Commencement of legislation by 1 January 1993.

DATE:

25/6/91

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

FRED FINCH

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ATTACHMENT ABACK OF TRUCK ACCIDENTS IN THE NT

YEAR	INJURIES		FATALITIES	
	(1)	(2)	(1)	(2)
1978	88	1006	18	68
1979	15	952	1	53
1980	44	979	6	63
1981	87	1198	3	70
1982	44	1074	4	60
1983	38	1008	1	49
1984	49	1185	-	50
1985	33	1474	8	67
1986	33	1381	4	71
1987	49	1276	10	84
1988	36	1184	6	51
1989	57	1220	5	61
1990	45	1385	8	68

(To end 1990)

(1) Back of Truck

(2) Total NT