



# Submission on the road management legislation review

October 2023

## Background

RACT enjoys a trusted position and extensive market penetration in the community.

More than 214,000 Tasmanians are RACT members. We are the largest and strongest member organisation in Tasmania.

Formed in 1923, RACT is an apolitical and independent transport infrastructure, road safety and mobility advocate. We are committed to supporting and furthering the interests of Tasmanians and we do this through a comprehensive program of consultation, education, awareness and public advocacy.

RACT is represented by senior staff in a number of stakeholder reference organisations in Tasmania and undertakes structured liaison with government and other stakeholder groups.

Nationally, RACT is a constituent member of the Australian Automobile Association (AAA), which represents some 8 million Australian motorists.

RACT is a regular contributor to the committees and forums of the AAA.

Internationally, RACT has joined with other Australian motoring organisations as a member of the Fédération Internationale de l'Automobile (FIA) to work on road safety and related issues at a global level.

RACT's advocacy and public policy activity is defined by a series of policy documents developed and endorsed by the RACT Advocacy Committee and RACT Board.

These policies have been informed by history, experience, statistical analysis, consultation, industry knowledge and our members.

RACT's goal, outlined in its Safe Roads Policy, is to increase the quality and safety of Tasmania's roads to better protect all road users.

## Our Position

The reform of the legislation governing our road infrastructure should have at its heart a framework to improve road user satisfaction and safety.

The RACT supports the draft principles outlined in the discussion paper.

Promoting better outcomes should be the driving force behind this long-overdue reform of legislation controlling road management.

It must therefore provide the guidelines on the powers and the responsibilities to deliver contemporary road management practices and standards, and for those practices and standards to be applied consistently across both state and local government roads.

The RACT supports one new Act to replace the current three pieces of legislation -- the Roads and Jetties Act 1935, the Local Government Highways Act 1982 and the Highways Act 1951.

It's a simple proposition: our road network (whether it be state roads or local roads) is a single entity. It therefore should be subject to one piece of legislation.

Regardless of who is the road manager, the road network challenges remain the same in terms of design, construction and maintenance to a consistent standard across the network.

A reading of the Roads and Jetties Act and the Local Government Highways Act shows that they in large part are the same in setting a framework for roles and responsibilities.

The same applies generally to standards in terms of road design, construction and maintenance.

We agree with the view outlined in the consultation paper that codes and standards are better not included in the legislation.

Given the regular review of codes and standards, including them in legislation would necessitate legislative amendments, which adds to the time spent on drafting, the consideration of State Parliament of any amendments, and the communication of changes to government departments, the local government sector and relevant business enterprises.

Notwithstanding that, codes and standards should be referenced in legislation, as they are in the Victorian model.

The adoption of the section of the Victorian Roads Management Act of 2004 which outlines the functions of Codes of Practice would give force to the intentions of any new roads legislation in Tasmania.

The Victorian act outlines:

- The purposes of codes of practice.

- What can be included in a code of practice.
- Powers to apply, adopt or incorporate matters into a code of practice.
- The admissibility of a code of practice in legal proceedings.
- The making of codes of practice.

The inclusion of these principles ensures a consistent approach by road managers, and a consultation process both on the codes and the standards and regulations that sit under those codes.

We note that the Victorian legislation outlines a consultation process, which includes local government. New Tasmanian legislation should make specific reference to the consultation with the Local Government Association of Tasmania.

The RACT notes that the Tasmanian Government has adopted the Victorian Codes of Practice.

The application of Codes of Practice buttresses the view that there should be one Act to consolidate Tasmania's three Acts. Referencing one Code of Practice across three pieces of legislation would be unnecessarily repetitive and burdensome.

The RACT notes that there was extensive consultation in Victoria not just on its reform of roads legislation but on the Codes of Practice.

We would urge the State Government to conduct the same consultation on any draft Codes of Practice proposed as necessary companions to new roads legislation.

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RACT