



Hon Luke Donnellan MP

Minister for Roads & Road Safety
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Mr John Lesser
Coroners Court of Victoria
Level 11, 222 Exhibition Street
MELBOURNE VIC 3000

Dear Mr Lesser

I refer to your letter dated 4 September 2015, regarding the inquest finding, including recommendations into the death of Miss Tara Jones.

The first recommendation made by you is:

'That the Victorian Government consider legislative changes to the Road Rules either to prohibit passengers, in particular children, from sitting in the sleeper cab of trucks while the vehicle is in motion, or alternatively, to specifically require the fitting and use of approved child restraints or approved seatbelts in sleeper cabs, unless covered by Rule 267(7) exemption.'

VicRoads provides the following response to your recommendation.

The recommendation has already been implemented

The Road Safety Road Rules 2009 specifically address sleeper compartments in rule 267 (7), where it states that if a truck or a bus has a sleeper compartment, a two-up driver is exempt from wearing a seatbelt while he or she occupies the sleeper compartment for rest purposes. The rules go on to define a two-up driver as a person accompanying a driver of a truck or a bus on a journey that has been, or will be sharing the task of driving the truck or bus during that journey.

From this rule and definition, it is clear that only a person who holds an appropriate heavy vehicle driver licence and who is sharing the driving of that vehicle during a particular journey is exempt from wearing a seatbelt, and therefore allowed to occupy the sleeper compartment while the vehicle is moving. It is unlawful for any other passengers to be present in the sleeper compartment while the vehicle is in motion.

Notwithstanding the road rule restriction on using sleeper compartments, I note that some road users will, regardless of the obvious risks associated, continue to transport additional passengers in the sleeper compartment area. This leads to the second question regarding the appropriateness of fitting additional occupant restraints or anchorage points in new prime movers.

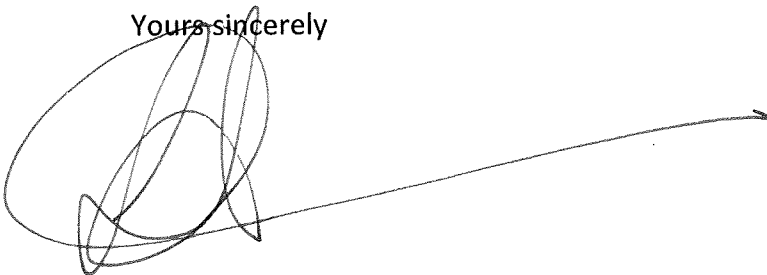
Sleeper compartments are designed for overnight transport operations where sleep is required. Victoria and other jurisdictions allow some use of the sleeper compartment area while the vehicle is in motion for 'two-up' drivers, to enable efficient night time operations.

However, sleeper cabs are not designed as adult or child seating positions and therefore their use beyond rest purposes for 'two-up' drivers is inappropriate. Sleeper compartments lack the necessary seating positions, seat anchorages, seatbelts or child restraint attachment points. While I would defer to the vehicle industry on the design of sleeper cabs, VicRoads advises me that sleeper compartments are unlikely to have an appropriate structure to mount an anchorage point that could withstand the crash loads that apply in a serious crash. Accordingly, it is not a simple matter to fit additional restraints in this location.

In the case of this fatal crash, a vehicle with enough appropriate seating positions for each occupant was required to ensure that the journey the driver was trying to undertake was safe for all occupants. This is a matter of suitable vehicle selection, or better planning of the journey, rather than the re-design of the sleeper compartment area.

Should you require further information, Ms Robyn Seymour, VicRoads Director, Vehicle and Road Use Policy (Tel: 9854 2550), would be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Luke Donnellan', written over the typed name below. The signature is fluid and somewhat abstract, with a long horizontal stroke extending to the right.

Hon Luke Donnellan MP
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