



**Australian Government**

**Department of Infrastructure, Regional Development and Cities**

**Secretary  
Dr Steven Kennedy PSM**

PDR ID: EC19-000320

Ms Hayley Burgess  
Coroner's Registrar  
Coroners Court of Victoria  
65 Kavanagh Street  
SOUTHBANK VIC 3006



Dear Ms Burgess

**Coroner's Investigation into the Death of Marcus Hurst COR 2017 004304**

Thank you for your letter of 29 March 2019 regarding Coroner Bracken's finding and recommendation following the death of Mr Marcus Leon Hurst.

As detailed in the Coroner's report, Mr Hurst collided with the rear of a container transport truck that was parked at the side of the road. The Coroner's recommendation is that the Australian Design Rules (ADRs) be amended to mandate the use of conspicuity markings for heavy vehicles and trailers in line with international (United Nations) standards, to improve road safety for all road users.

The Department of Infrastructure, Regional Development and Cities administers the *Motor Vehicle Standards Act 1989*, which requires that all road vehicles comply with the national vehicle standards, the ADRs, before they can be offered to the market for use in transport in Australia.

The ADRs require all new vehicles to be fitted with red reflectors at the rear, positioned at a height that will capture and reflect the headlamp beam(s) of an approaching vehicle, including a motorcycle. These reflectors are typically built in to the rear lamp assemblies of a vehicle. In addition, the National Heavy Vehicle Regulator (NHVR) and/or state and territory regulators require all heavy vehicles to be fitted with reflective rear marker plates, or conspicuity markings in accordance with United Nations Regulations No. 48 and 104.

The ADRs allow for the optional fitting of conspicuity markings in accordance with the above arrangement. In other words, even though conspicuity markings are not directly mandated in the ADRs, heavy vehicles are in effect required to be fitted with either reflective rear marker plates or conspicuity markings before they can be used on Australian roads. This ensures that there is a similar level of conspicuity of a heavy vehicle, regardless of which of the marking systems the vehicle manufacturer elects to fit.

Nevertheless, the Coroner's report does raise questions on the effectiveness of existing regulations. I can advise that the Coroner's recommendation is under consideration and will be examined in more detail by the Department as part of its general review of international regulations towards the next National Road Safety Strategy. This will commence in late 2019.

In the meantime and as noted by the Coroner, the NHVR has published guidelines covering the optimal fitment of additional reflectors and conspicuity markings, while the Australian Trucking Association, representing heavy vehicle operators, has published guidelines to assist operators and trailer manufacturers in maintaining compliant vehicles and generally improving the visibility of heavy vehicles and trailers. Both sets of guidelines can be found on the NHVR website at [www.nhvr.gov.au/files/201806-0447-vsg11-additional-reflectors-and-conspicuity-markings.pdf](http://www.nhvr.gov.au/files/201806-0447-vsg11-additional-reflectors-and-conspicuity-markings.pdf)

If you require further information, please contact Sharon Nyakuengama, General Manager of the Department's Vehicle Safety Standards Branch, which is the area responsible for developing the ADRs:

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Thank you for the opportunity to respond to the Coroner's investigation.

Yours sincerely



Steven Kennedy

21 May 2019