



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**STANDING COMMITTEE ON PLANNING, ENVIRONMENT
AND TERRITORY AND MUNICIPAL SERVICES**

(Reference: [Vulnerable road users](#))

Members:

MR M GENTLEMAN (Chair)

MR A COE (Deputy Chair)

MR A WALL

DR C BOURKE

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 3 DECEMBER 2013

Secretary to the committee:

Ms M Morrison (Ph: 620 50136)

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

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Amended 20 May 2013

The committee met at 9 am.

ARMSTRONG, MR JOHN, Executive Officer, Pedal Power ACT

THE CHAIR: Good morning, everybody, and welcome to this second public hearing of the Standing Committee on Planning, Environment and Territory and Municipal Services inquiry into vulnerable road users. On behalf of the committee, I would like to welcome Mr John Armstrong, from Pedal Power ACT. May I remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement before you on the table, the pink card. Could you please confirm for the record that you understand the privilege implications of the statement?

Mr Armstrong: I do.

THE CHAIR: Thank you. Can I also remind witnesses that the proceedings are being recorded by Hansard for transcription purposes and webstreamed and broadcast live. Mr Armstrong, we have your submission. Thank you for that. Would you like to make an opening statement to the committee?

Mr Armstrong: Thank you, Mr Gentleman. Yes, I would. The Pedal Power submission to the vulnerable road user inquiry is all about you and me, my daughters and our kids, the thousands of people who currently ride a bike and the thousands, I guess, who would like to ride their bikes but feel unable to do so because they feel it is unsafe to do so.

It is equally about the cyclists training for their Olympics event as it is about the child who rides their bike to school. It is best summed up in a recent poster series promoted on the screen here and used in Pittsburgh in the USA: “They are our brother, our sister, our friends.” However, Pedal Power firmly believe that if we get the environment right for women and children to feel safe to ride their bikes, we have the right ingredients for a safer Canberra.

This inquiry is clearly about the safety of those who share the roads, but like so many issues that are not resolved as yet, they are not resolved for a reason. The issues are complex and solutions are not simple. To address the shared road issue for vulnerable road users, we need to address many of the related issues attached to cycle usage. In the words of the London Assembly Transport Committee report of November 2012, *Gearing up—an investigation into safer cycling in London*, “Political will is needed to make cycling a mainstream form of transport that is supported by high quality, safe cycling routes.”

Pedal Power believe that a suitable response is one that is multipronged, equally covers the areas of responsibility highlighted in the Pedal Power submission, linked to broader policy initiatives, including the strategic cycling network plan and the transport for Canberra plan.

The Pedal Power submission outlines the five key areas that we believe this inquiry should respond to. We provide evidence and justification as to why this is important for the safety and wellbeing of vulnerable road users, including cyclists, and seek to

provide examples for each.

I would like to highlight in my opening address the five key areas outlined in Pedal Power's submission, and attach salient points to each of those. The first is that of urban planning and infrastructure. I think the key point here is that we seek to prioritise cycling infrastructure that physically separates cyclists from vehicles. We look to ensure that urban planning and residential and town centre development provide cycling facilities that are safe, convenient and consistent with the strategic cycling network plan. Roads ACT should complete design standard 13, the pedestrian and cycle facilities design standards review. This is very important, and we seek to ensure that best practice standards are applied and implemented in the ACT. We should extend the separated off-road and designated quiet street component of the cycling network. And we should maintain and continue to improve the policy of including on-road cycle facilities in road projects.

The second primary point addresses both speed and volume of shared road use. It is a pretty simple formula: reduced speed equals reduced severity of injuries, plus more people cycling and plus an increased perceived level of safety.

We seek to apply the default speed limit of 50 kilometres per hour to more ACT roads that currently have higher limits, based on the use or potential use of those roads by people who walk, cycle or ride a motorbike. We seek to apply lower speed limits in arterial roads during periods of heavy rain or high traffic volume or congestion, such as occurs in Sydney. We seek to maintain and extend reduced speed limits around schools, local shops, town centres and other places that attract high or potentially high numbers of people—40 kilometres an hour at most, but preferably lower, as in Adelaide, the UK and Europe.

More people cycling is a safety measure. A doubling of cycling would lead to a reduction in the risk of cycling by around a third. We have identified, on page 8 of our submission, that as the figure in London has increased by 91 per cent, there has been a 33 per cent reduction in casualties. In the city of York it has increased by 15 per cent with a 59 per cent decrease in casualties. In the Netherlands there is a 45 per cent increase with a 58 per cent decrease in fatalities. In Copenhagen it has had a 44 per cent increase over a period of time, with a 60 per cent decrease in serious casualties. I repeat: more people cycling is a safety measure.

In the *Gearing up—safer cycling for London* report that I cited earlier, it was noted that in other countries where cycling has grown, cycling casualties have dropped. That is on page 7 of our report. We encourage you to expand programs encouraging visibility awareness on the part of vulnerable road users. The second graph that I have highlighted there gives an indication of the amount of kilometres travelled in population and the relative safety risk.

The third point that I draw your attention to and that Pedal Power has identified is the area of education and cultural change. Let us make cycling the norm. Build it to be a mainstream activity. Education and road safety campaigns should highlight cycling as the norm, as a healthy, convenient, legitimate use of our roads with benefits for all road users in the community and the community in general.

We urge that you accept the road user hierarchy, and I will speak more about that in a moment. The mutual obligations of all road users should be taken into account in any campaign to avoid injuring themselves and others, and weight the allocation of campaign resources in accordance with that hierarchy.

We ask for a revision of the handbook for drivers who are new, older and of heavy vehicles. The current handbooks lack any reference to vulnerable road users. We seek to introduce the concept of the road user hierarchy—pedestrians over cyclists over motorists. We should provide guidance on interacting with vulnerable road users through those handbooks, and there should be better emphasis on road rules that drivers must observe when encountering people when they are walking or riding on the roads. We ask that you assess this knowledge in practical and theoretical licence tests.

We seek that you promote amongst driver instructors and bus, taxi, delivery and truck drivers an awareness of vulnerable road users and how best to interact with them. You should promote an awareness of road rules, responsibilities and courtesies that apply to people when they ride bicycles through targeted programs such as those aimed at children riding to school and commuters cycling to work, and those that cycle clubs conduct for new and novice riders. We ask that you give greater priority to the safety of cyclists and pedestrians in developing road safety measures.

The fourth area that Pedal Power looks at is the area of policy development. The key points here include the reinforcement of the road user hierarchy and that we look at changes to what is called strict liability or the onus of responsibility in this area. We urge you to adopt the implementation of the road user hierarchy that is recognised in the current planning guidelines and is part of the federal government urban design standards guidelines—currently, as far as I am aware, not officially recognised within the ACT government planning process.

We urge that you adopt a minimum distance for passing. We heard the submission from the Amy Gillett Foundation yesterday, and we support that submission. We look at a one-metre rule for up to 60 kilometres and a 1.5-metre rule for the passing distance for above 60 kilometres. We ask that you rescind the requirements for riders to dismount at pedestrian crossings or provide an alternative bicycle crossing beside them.

We look to introduce tiered penalties for offences related to vehicle crashes so that the more serious the breach or potential consequences, the higher the penalty. We seek the publishing and reviewing of prosecutions and sentencing outcomes in the case of death or serious injury of vulnerable road users. We also ask that you implement systems for collecting statistics on bicycle accidents on footpaths and roads.

I would like to apply a little bit of time, if I could, to the strict liability for civil law. We urge that the inquiry review the introduction of strict liability or presumed liability as it is applied in the ACT. Strict liability is not about blame; it is about taking responsibility for choosing to use a motor vehicle. Under a stricter liability compensation system, the burden of proof is reversed and injured pedestrians and cyclists are presumed to qualify for civil compensation. Strict liability is already in use in other areas of law, including workplace health and safety, where employers

have a duty of care to their employees so far as is reasonably practicable.

The term also applies in the area of product liability, where a manufacturer automatically has to address a problem if the product they sell is defective and those defects lead to injury, loss or damage. Strict liability can go a long way to discouraging reckless behaviour and may also lead to motorists taking every possible precaution to avoid accidents.

It is viewed as a crucial component of a kaleidoscope of measures designed to safeguard the safety of cyclists and other vulnerable road users. In France in particular, since the passage of a stricter liability regime in 1985, bicycle safety has improved markedly. In fact, according to 2012 OECD stats, the fatality rate for cyclists has decreased by 66 per cent since 1990 alone, despite a relative dearth of cycling-specific safety legislation.

Strict liability only applies to civil or common law, not criminal law. In the ACT—and I think in Queensland and in Western Australia as well—we do not have a no-fault compensation scheme. As a result, victims must rely on common law damages. We recognise how contentious the notion of introducing a strict liability concept is, and we urge you as an inquiry to investigate this. I would be happy to take some questions on that later, if you would like.

The fifth and final area that Pedal Power have in our submission is that the funding is appropriate. We seek that the funding is matched with the proposed outcomes of the ACT government. They seek six per cent usage of cycling by 2016 for community usage. We seek to apply that same percentage to the expenditure on cycle facilities development.

The outlay on better infrastructure should be doubled from \$5.7 million to \$13 million. The benefit to cost ratio has been highlighted in a number of various studies to be between two and six times that for cycling infrastructure—that is, the benefits that are attained for the community in health and other related benefits can be two to six times the benefits for the cost of that infrastructure.

In our submission we note that Canberra has the second lowest spending of all capitals per head on cycling-related infrastructure. We ask that funding be weighted to take into account higher exposure to injury of people on bicycles and that cycling should increase as investment in cycling increases. Again, we ask that the ACT government double the funding and use the transport for Canberra plan and the strategic cycling network plan as the basis for its development.

Finally, we would ask that you do not undersell the impact that recommendations from this inquiry can have on the potential to genuinely place Canberra as the cycling capital of Australia. I want to quote from *Gearing up*, the London report, and supplement London with Canberra: there is significant potential for more journey cycles in Canberra if cycling were safer. The ACT government must make tough political and financial decisions to invest in infrastructure, enforcement, education and training measures. I am happy to answer questions as you see fit.

THE CHAIR: Thank you, Mr Armstrong. I might kick off. You talked in your

statement about less speed increasing cycling in the ACT. Do you have any results of any studies that show that that is the case in other jurisdictions, for example?

Mr Armstrong: Yes. Within the submission we have applied a number of examples where a reduction in speed leads to a reduction in fatalities.

THE CHAIR: But you said an increase in cycling?

Mr Armstrong: Sorry, an increase in cycling?

THE CHAIR: Yes.

Mr Armstrong: Yes. I think I quoted a number of places where that is the case. In fact, in our submission we have identified five or six different locations where increasing the numbers of people on bikes has led to a reduction in either fatalities or casualties.

THE CHAIR: Sure, but I am just relating it to the statement about reducing speed limits.

Mr Armstrong: Sorry.

THE CHAIR: You mentioned in your statement that the reduction of speed limits would increase the use of cycling as well.

Mr Armstrong: Yes, as one of the multipronged measures. I repeat: there is no one single measure that should be applied.

THE CHAIR: Yes.

Mr Armstrong: We firmly believe that there should be a multipronged approach in order to best provide adequate facilities for those who ride their bikes on the roads, and that is one of those prongs.

THE CHAIR: Just on another tack there, you also mentioned that you would like to see the removal of the enforcement for cyclists to dismount at pedestrian crossings.

Mr Armstrong: Correct.

THE CHAIR: Either at the crossing itself or you suggest another crossing for cyclists.

Mr Armstrong: Yes.

THE CHAIR: What do you see as the safety advantage there?

Mr Armstrong: The distinct safety advantage is reliability and assuredness for the motorist and for the cyclist. It would be unfair for a motorist to seek to be aware of a cyclist travelling at 30 kilometres an hour or so as they approach a pedestrian crossing. We suggest that the laws be modified so that cyclists are allowed to cross at pedestrian crossings. The shared path network that we have leads into pedestrian

crossings in many cases. It is sometimes safer to actually ride across at a slow speed, and we suggest a speed of a maximum of 15 kilometres or something to that effect. The reality is that it is a law that is not well enforced or utilised. The research that we have identified indicates that between 90 and 95 per cent of people do not stop and walk their bicycle across pedestrian crossings.

THE CHAIR: Yes, indeed. I have had a personal experience several times at the pedestrian crossing at Challis Street in Dickson.

Mr Armstrong: Yes.

THE CHAIR: Where the—

Mr Armstrong: Classic.

THE CHAIR: Yes, where the entrance to the crossing from the bike path is unseen from the road.

Mr Armstrong: Absolutely correct.

THE CHAIR: So it is quite difficult when a pushbike approaches.

Mr Armstrong: Correct. And yet it is a major bicycle path; it leads into that crossing. And further on, on that same bicycle path, there is what we often refer to as de Burgh Street style crossings where priority is given to the cyclist as against the motorist and give-way signs are provided. So we recognise the dilemma, we recognise that the laws are not adhered to in their current state, and we ask that appropriate redress occur.

THE CHAIR: Thank you. Questions, members?

DR BOURKE: Just coming back to the bit about going over pedestrian crossings, how would you manage that if you were on a recumbent trike, if you had to—

Mr Armstrong: If you had to get off and walk a recumbent? I do not know how you would do that, to tell you the truth. But it is at times easier, and many times safer, in the case of a recumbent, to actually ride across.

DR BOURKE: We had some evidence yesterday on bicycle helmets. What is Pedal Power's attitude to bicycle helmets?

Mr Armstrong: On bicycle helmets?

DR BOURKE: On whether they should be compulsory or not?

Mr Armstrong: Absolutely. We support the use of bicycle helmets. We support the current laws as they stand. We note with interest the Queensland review that identifies some potential changes to laws about wearing bicycle helmets for certain age groups. We recognise that a relaxation of the laws in bicycle helmets can be a good thing for increased numbers of people who ride bikes. We recognise that. But we also recognise the safety benefits of wearing a helmet. Personally, I would never seek not to wear my

helmet. It has saved me more than once.

DR BOURKE: You mentioned previously talking about benefits from changing speed limits and so on, to increase cycling, in other jurisdictions.

Mr Armstrong: Yes.

DR BOURKE: In other cities.

Mr Armstrong: Yes.

DR BOURKE: Do they have the same urban density, the same population density as Canberra?

Mr Armstrong: Yes—in some cases more. The evidence indicates that where the urban density is quite tight, where traffic is quite solid, the reduction of speed limits to 30 and 40 kilometres actually enhances the flow of traffic, and encourages it, because the disparity in speed between the bike and the motor vehicle is far less.

DR BOURKE: But Canberra has got a very low urban density compared to almost every other city.

Mr Armstrong: Absolutely correct.

DR BOURKE: Probably the lowest.

Mr Armstrong: And therefore it presents its own problems. That is why we believe there are a number of solutions, not one single solution, that could and should lead to increased safety for vulnerable road users.

DR BOURKE: It has also been suggested that cyclists should not have to stop at stop signs. Do you have a view on that?

Mr Armstrong: Yes. I do not have a strong view. Pedal Power does not have an official view on it. That was presented as of Friday, last week, only two working days ago. Pedal Power has not formed a policy decision on it, but we recognise why that might be sought to be implemented.

DR BOURKE: What about left turns at red lights?

Mr Armstrong: The same. Similarly, at a T-intersection, we see that there are some times in Canberra when you have got a cycle lane on the intersection that travels straight through—you have actually got a cycle lane—and you are just unsure as to whether you should stop there at that light or whether you should keep going. Sometimes the markings on the road indicate that you are allowed to go, or not. I think there are some specific areas. You have identified left-hand turns at red lights after stopping. There are other areas at intersections that I think could have some specific use and view as to what best provides opportunity for those who ride bikes.

DR BOURKE: And the one-metre or 1½-metre overtaking rule—that is just going to

apply to cars? You do not intend that that would be applied to bikes, do you?

Mr Armstrong: The overtaking rule is, again, around the disparity in speed that is attached there and the vulnerability of road users on the road. There are some areas where we have a number of on-road cycling lanes within the ACT, so the utilisation of maintaining or staying within those cycling lanes provides that separation. And there are some unique areas. As a rule, we support the notion of seeking to enforce an overtaking distance so that motorists and cyclists recognise what the law is.

DR BOURKE: But you are not referring to cyclists overtaking other cyclists?

Mr Armstrong: No.

DR BOURKE: Thank you.

MR COE: What about cyclists overtaking vehicles, especially parked vehicles? Should the one-metre rule apply there?

Mr Armstrong: There should be quality infrastructure that leads to ensuring that cyclists are not “doored”, the common term, or affected where someone inadvertently comes out from the right-hand side of their vehicle without looking. That is a real safety measure. Certainly the necessity and the capacity for those who ride their bikes to take up the road to place themselves in a safe position should be enhanced.

MR COE: This one-metre rule, especially if it is actually enacted, is a good signal, but I am concerned about the application of it.

Mr Armstrong: Yes.

MR COE: If it is just a signal, to put that into legislation or into regulation is potentially risky if we know that there are going to be aspects that are impossible to enforce or impossible to actually observe.

Mr Armstrong: Are you talking about the overtaking distance?

MR COE: That is right. For instance, the classic example would be just over here in London Circuit, with Northbourne, especially if you are going southbound on Northbourne. You have got the bus stop on the left outside by the bars there.

Mr Armstrong: Correct.

MR COE: Then you have got three lanes of traffic; then you have a bike lane and then you have a left-turn lane.

Mr Armstrong: Yes.

MR COE: It is going to be pretty hard to observe a metre.

Mr Armstrong: Absolutely.

MR COE: Especially if you have got cars either side of the bike lane.

Mr Armstrong: Absolutely.

MR COE: Therefore, you actually need two metres if you have got a bike in the middle there.

Mr Armstrong: As I indicated with Dr Bourke's question, the identification of staying within the lanes that are identified, that are noted, allows for the overtaking rule to be applied where suitable. Not implementing an overtaking distance has led to some real discernment and some uncertainty about it. It is one of the approaches that we suggest should be taken. Providing that approach reinforces once again the vulnerability of those who ride their bikes and that there is a given distance that is identified as being safe.

MR COE: I guess what I am getting to is that the space between the two cars, with a car going straight ahead and a car going left, is in some instances less than two metres.

Mr Armstrong: Sorry; you might not have understood my reply. Within the ruling within the ACT, it could well be applied that if you were to stay within your lane—that is, your cycle lane, or a motor vehicle if the motor vehicle is within their lane—then they are within the boundaries of the law.

MR COE: Right.

Mr Armstrong: So my response is that that should be part of the potential utilisation of the law.

MR COE: Okay. With regard to the percentage increase versus the safety, you mentioned a few cities that have seen a reasonable increase in cycling, such as London, York, Copenhagen and other places.

Mr Armstrong: Yes.

MR COE: Have we had that same experience in the ACT or have we actually had the opposite? Have we actually had more accidents here in the ACT as we have seen an increase in cycling?

Mr Armstrong: The statistics identify a small increase in cycling. I think it has gone from 2.5 to 2.8 in commuter stats in the ABS stats. That is a minimal increase, and there is nothing to be related to any of those other jurisdictions. I guess it would be difficult to draw the same analogy out of the statistics that are provided with that modicum of increase.

MR COE: True, but I think the example you gave for York was just 14 or 18 per cent.

Mr Armstrong: That is right.

MR COE: And this, from 2.5 to 2.8, is an increase—

Mr Armstrong: It is 0.1 of one per cent, yes.

MR COE: No, that is actually an increase of over 10 per cent, an increase in cyclists from 2.5 to 2.8.

Mr Armstrong: Yes.

MR COE: Ten per cent would be 2.75, so it is an increase of 12 or so per cent.

Mr Armstrong: Yes.

MR COE: So if the York statistics are significant, this may well be significant, too. What I am getting at is: what would be different about the ACT which is resulting in the fact of perhaps more accidents in the ACT? Is it infrastructure, is it the culture, is it speed? What is it?

Mr Armstrong: That is the whole point of this inquiry, I would imagine.

MR COE: That is right; that is why I am asking.

Mr Armstrong: And you want me to give the answer right now, in 10 seconds? I think it could be a multitude of those things. What is really important is that we recognise that safety and the perception of safety is really important, in particular, for women and children. If we can provide that safety, if we can provide that perception of safety, through better infrastructure and increase other measures to support that, we are likely to get the increase in cycling that we are seeking. With that increase in cycling, the evidence seems to suggest that an increase in cycling of itself leads to a higher level of exposure, a greater awareness by all people—motorists and cyclists alike—and, therefore, a reduction in severity of injury.

DR BOURKE: But perceptions, surely, about what people think about things comes back to the level of advocacy and the narrative that is put out by organisations such as yours?

Mr Armstrong: I think you would compliment us greatly if you suggested that Pedal Power could influence the level of thinking of all Canberrans. That is obviously not the case. The perception of safety is about individual determinations, and we need to provide as much opportunity as we can to provide a safe network for those who choose to ride their bike.

MR WALL: Mr Armstrong, you mentioned in your submission more extensive driver training for not only new drivers but existing drivers. What elements do you think need to be introduced into the driver training program?

Mr Armstrong: We have actually identified within our submission some of those. We certainly recognise that within both the older persons and the heavy vehicle drivers licensing there is no reference to vulnerable road users. We ask that those references be provided. We also ask that they be assessed, both in practical and in theoretical elements. So we ask that those elements, in particular, in the ACT be introduced.

MR WALL: Essentially, the new drivers and drivers seeking to upgrade their licences would be an easier segment to capture.

Mr Armstrong: Yes.

MR WALL: Existing drivers, until they hit 85, have no further driving test or reassessment.

Mr Armstrong: Yes.

MR WALL: Have Pedal Power or you given much thought to what education options might be available for training and assessment?

Mr Armstrong: No, we have not. But the reason, again, is that this is not just a one-fix solution. The notion of broader public campaigns is really important, and, thus, the utilisation of those broader campaigns to reach the broader public to ensure that we recognise that we all have rights on the road.

MR WALL: You also make reference in your submission to Operation Halo, a traffic operation conducted by Victorian police, not only looking at vulnerable road users obeying the traffic rules but also at indiscretions by motorists. Do you think that there is a need for a targeted operation in the ACT to highlight these issues?

Mr Armstrong: It is interesting that you mentioned Operation Halo. There is a perception that cyclists run lights et cetera. Yes, there were cyclists that ran lights—30 of them, I think, and there were 241 motorists that also ran lights. So the notion of such operations to enforce the law is not a bad thing for the safety of all users. If you are asking us whether the ACT police should utilise some measures to enforce the law, the answer is yes.

DR BOURKE: Coming back to your proposals around legislative change to change the liability of drivers, are you suggesting a civil or criminal liability?

Mr Armstrong: I make it very clear that the notion of strict liability—and, in fact, I have a very good document done by Cycle Law in Scotland that seeks to address this, and I would certainly present this if you guys wanted me to provide it. It provides a very good, detailed assessment using the Westminster system. It is all about civil or common law, not around criminal law. Interestingly, in the ACT, if there is a criminal law offence, that automatically is recognised under civil law as well. It does not happen in all states, as I understand it.

DR BOURKE: So if this change was introduced, a cyclist who is injured during an incident with a motorist would be able to sue the motorist through either ACAT or the Supreme Court?

Mr Armstrong: In fact, unfortunately, because of the laws of the ACT right now, the only way in which one can gain compensation is if a cyclist were to sue a motorist for damages now. It is no different than the law that is currently there, but it is our understanding of the stricter liability law that the onus or responsibility is placed on

the more vulnerable user rather than on the less vulnerable user. My apologies; I reverse that. The onus of responsibility is placed on the motorist versus the cyclist in this case.

MR WALL: You mentioned in your opening statement that introducing strict liability would make motorists significantly more aware of cyclists, primarily. Do you think it could also have the reverse effect in cyclists becoming somewhat more complacent?

Mr Armstrong: Yes, and that is why this is complex. The reality is that this law has been introduced in most western European countries. Admittedly, the Westminster system and their system are different, so, in law, there is a difference. It really is about seeking to, in some way, redress this notion of onus of responsibility. The reality is that it is complex and tricky. There are potential repercussions, perhaps, and there are some that argue that those potential repercussions could be there. We think, on the balance of probability, that the notion of strict liability is not necessarily a bad thing.

MR WALL: Obviously, it plays into insurance as well. I know that Pedal Power offer an insurance policy for cyclists to cover not just themselves but also third-party cover.

Mr Armstrong: Absolutely.

MR WALL: Do you think that there is a greater need for across-the-board insurance for cyclists that choose to ride on the road more actively? I understand that it is a complex issue in trying to force it on all cyclists. But for those that regularly ride on the road, do you think there is a need for—

Mr Armstrong: Which road is that? If you are asking whether more people should become Pedal Power members and therefore utilise insurance, of course, I would say yes. Within the ACT and two other jurisdictions, we need to prove fault if we are to seek redress. In other jurisdictions—Victoria, certainly—there is a common fund. There is a no-fault determination for compensation. So there is no necessity to identify fault. The ACT sought to redress that two years ago, and I think chose not to.

DR BOURKE: But how is that actually going to affect driver behaviour? All drivers will have insurance and the penalties or findings against a single driver will be pooled across all drivers. So how is this going to affect individual driver behaviour?

Mr Armstrong: It is about the notion of onus of responsibility. You are absolutely right. In practice, the insurance companies will do deals with each other and tick off and recognise that one will make payment over the other. So it is around heightening the onus of responsibility for the less vulnerable road user.

THE CHAIR: Do you have any comment on collision and avoidance technologies? Whilst they may well prevent all of the pedestrian and cyclist deaths in the jurisdiction, do you think they may give a different attitude for the driver?

Mr Armstrong: I do not think so. You might be right; I am not here to argue that definitely, and certainly Pedal Power as an organisation has not formed a policy or a statement around that. But again, I think this is why this becomes part of a suite of elements that seek to heighten awareness in the drivers of larger vehicles that there are

vulnerable road users that have every right, every capacity, to be on the road, to share the road. In fact it has been encouraged by the ACT government. We are simply seeking, through this inquiry, that we look at all measures to provide the safest environment we can in the ACT.

DR BOURKE: Do you think the advent of this collision avoidance technology—which is braking if you get too close to something you are going to hit—would encourage drivers to drive better or to push their car to the limits of its technology?

Mr Armstrong: I personally do not think that it would be encouraging people to push to the limits of their technology. The adding of airbags does not urge people to drive more dangerously just because there are safety measures placed in vehicles.

THE CHAIR: Thank you for your time today, Mr Armstrong, and your submission. If there are any further questions, we will get back to you. A copy of the transcript of evidence will be sent to you for checking.

Mr Armstrong: Thank you for the opportunity.

AITKIN, PROFESSOR DON, AO, NRMA-ACT Road Safety Trust

THE CHAIR: Welcome, Professor Aitkin. Before we begin, I remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement that is before you on the table. Could you please confirm for the record that you understand the implications of the statement?

Prof Aitkin: Thank you, Mr Chairman; yes, I do understand it.

THE CHAIR: We have your submission, Professor Aitkin. Would you like to make a statement to the committee?

Prof Aitkin: Thank you. My voice is not great today, but I will give it the best shot I can. The trust is 20 years old. It has produced about 400 reports on road safety since 1992. It has spent \$20 million. The money comes in \$2 chunks from every registerer of a motor vehicle, matched by NRMA Insurance. That has been the case since 2000. Before that we were spending an overpayment which NRMA Insurance realised. Actuarially, they charged ACT road users much more than they should have. The money was then handed to the ACT government, which set up the trust to get rid of it in a road safety wise way. After 10 years, it was agreed that the trust was a good thing and should continue, and we have continued to today.

In the appendix to this, we have listed a number of projects that relate directly to vulnerable road users. But I will start off by saying that, in my judgement—I will follow John Armstrong by saying that I am not speaking for the trust in this—all road users are vulnerable. In fact it is more dangerous to be a truck driver than a car driver. The death rate in crashes from truck drivers is worse than that of car drivers. Our view on the whole business is that the road system is innately dangerous and that everyone who is on it, and even some who are not even on it at all, are vulnerable to those who are on it. In fact you can be vulnerable from something dropped from an aeroplane as well. The thing is inherently dangerous; our job, and your job, is to try and make it safer.

Our aspiration is that, following vision zero, which the governments of the ACT and other jurisdictions have accepted, there should not be serious injury or death on the road system. That does not mean that it will happen tomorrow, in 2020 or at any other time, but if we follow these principles, we will reduce the incidence of serious injury and death. Eventually, of course, there will be one person left, and the cost of changing the death of that person would be so astronomical that you would not spend the money because it would be much better to save deaths in other ways—from cancer or whatever. I have been through all of this, and so have you; my job today is to help in whatever ways I can.

I was interested to hear this morning—all this stuff is interesting to me—that we spend less on infrastructure for cycling than other jurisdictions. I am really impressed by the infrastructure for cyclists. I live on it, really. In Yarralumla there is a shared path very close to where we live; we walk on it every day. Cyclists and pedestrians share it, on the whole with amity and good sense. As a driver, I am aware of the cycle lanes, and I think they are a good thing. Actually, our statistics suggest that that is the

safest place for a cyclist to be—on the road in one of those designated cycle lanes. You will find in our material the evidence that is available.

All the evidence in this area is very rubbery, in my view. We are always using very small numbers of cases, and it is very difficult to do otherwise. You do macrostatistics and just look at total numbers for the year. As you know, with the ACT, although we have an average of 13—not quite 14—deaths per annum over a 10-year period, we can go from 28 to six. The media can get alarmed because we have got this astonishingly high death rate but it is just a short-term phenomenon on the whole. On average, we will get between 13 and 14 deaths per annum. We had a wonderful period when we went 15 months without one death. It was the year before into last year. Then we had six very quickly. Or we get a whole lot of deaths and they are all motorcyclists, and then there is a panic about what has happened to motorcyclists. The answer is that if you average it out over a very long period of time, we are a small jurisdiction with small numbers and they have high variability.

They are my opening remarks. In our 400 projects, we do not ourselves take a position and say, “This is good and you should take notice of it.” We issue the projects and publish them. We put them out and say to you and to other stakeholders, “You ought to take notice of this”—not “You must do this” or “You should do this.” But from next year we are about to issue a series of position papers which will set out the trust’s position. For example, we have not got one on vulnerable road users, but if you would like us to develop one, we would be happy to do so. That is an invitation. Our first one is almost certainly going to be on drink-driving. We do have a position on that, and we will make recommendations to the ACT government and to NRMA Insurance, our two appointers, to say, “We think very strongly that you ought to do these things.” We have not done that before, and it is about to occur. If you would like us to do one on vulnerable road users, we would be perfectly happy to do it. We have done a lot of work in that area. I think I could rest there.

THE CHAIR: Thank you, Professor Aitkin. I have a strong interest in motorcycling. I notice, through your submission, that injuries for motorcyclists are dramatically higher than for car users.

Prof Aitkin: Yes.

THE CHAIR: I think that is an obvious thing—there is no protection.

Prof Aitkin: That is right. The death rate is nine times. Whenever I say any of this, especially on the media, I get instantly bombarded with angry letters and emails from motorcycle users, but the truth is that, on average, if you are going to be involved in a serious crash that leads to death, the rate is nine times greater for motorcycle users than for drivers. I think it is twice for truck drivers than for car drivers. The car is actually reasonably safe, other things being equal.

But you have got no chance if you are hit by a car. I have been actually present when two people crossing Barry Drive were hit by two cars, one after the other. You cannot do it anymore, but there is a parking area across from the School of Music and a lot of people went there. I was about to leave the kerb. I was deciding not to leave the kerb because there were cars coming. Two elderly people—that is, people older than me—

crossed, and two cars went like that. One hit one and the other hit the second. It is an awful sound. You never want to hear that sound. They both survived, to my astonishment.

What about motorcyclists? We are not in the position of saying to people, “Don’t do dangerous things,” or “Don’t do potentially dangerous things.” Humans are, in some sense, riskers; they risk all the time. If we did not, we would be a very different society. But I do suggest to people that if they are seriously considering taking up motorcycling they should do two things. First of all, they should get to be very good at it—that is, go and learn, and learn properly, be trained by people who are good at it. That is especially the case if they are middle aged. Guys get a bike at 18 or 19; then they get married and put the bike away. They have got a car and they have got a baby. Then, by the time they are 45, they say, “Look, I’d like to have a bike again.” But they are nowhere near as quick and their reflexes are not as good at 45 as they were at 18. And they think they know it all. Actually, they do not. The bikes are different; the traffic conditions are different. They need to relearn. We have done some work with the motorcycling organisations in the ACT simply to subsidise them to teach people to learn motorcycling again. Sorry; I could go on and on about this.

THE CHAIR: Have you seen evidence from those—

Prof Aitkin: The numbers are too small. You could find evidence, but the number is so small that the standard deviation is so far out that it does not mean anything. People have always used them, but as a social scientist, I just shrug. We do a lot of these things because we ought to do them. The best evidence is that being good at something requires a lot of practice. Why would it not be true for motorcycling? It is true for the piano; it is true for tennis.

THE CHAIR: Questions, colleagues?

DR BOURKE: Thank you, chair. Professor Aitkin, in your report you recommend investigation into thoracic impact protection devices. Could you tell us why that sort of research is so important and why motorcyclists ought to be encouraged to wear this extra protective gear?

Prof Aitkin: First of all, we did not recommend that, but it is a recommendation from the project. Again, if you want us to have a position paper on it, we will do it. There is tonnes of evidence. In fact it is true with pedal cyclists: the better protection they have over their skin, the less likely they are to be seriously injured. You must have seen, as I have, people coming off motorcycles at tremendous speeds in motorcycle races and getting up and walking away. They are covered from top to toe in material which saves the skin and, to some degree, saves the musculature underneath. Again, we would say to all motorcyclists, “Be properly dressed all the time.” Yes, it is a bore. Yes, it is. It is like the people who do not like to wear helmets because they like the wind going through their hair. That is risk taking. That is silly. Don’t do it.

The studies that have been done all suggest that people who are doing whatever it is should take more care to be more adequately equipped for whatever it is they are doing. I think that would be the general conclusion out of 300 projects. There came a time when, for example, I no longer checked the oil and water in my motor car every

day. But in 1959, when I bought my first one, I did, because cars were much less well engineered and you could have leaks.

THE CHAIR: It was obviously English.

Prof Aitkin: It was a Peugeot.

THE CHAIR: French.

Prof Aitkin: And it won the Redex Trial, Mr Gentleman.

THE CHAIR: A 403?

Prof Aitkin: No, it was a 203. Through Ken Tubman, Peugeot did enormously well out of the first Redex Trial.

THE CHAIR: Questions?

DR BOURKE: You talked about a position paper on drink-driving which was going to have some recommendations. Can you tell us what they are now, or do you want to leave it?

Prof Aitkin: I am happy to send you a draft copy of it.

DR BOURKE: That would be useful, thank you.

Prof Aitkin: We are in favour of a targeted police presence at drinking areas, for example. We think drink-driving is an absolute curse. I will give you 30 seconds, no more. We are dealing with alcoholics. Alcoholics are alcoholics, and alcohol is much more important to them than road safety. If you take their licence away, they just go and drive a car without a licence. So what are you going to do? Are you going to imprison them or what? We simply do not deal with these questions properly. I know it is not your fault. I am not saying the legislators are at fault. No jurisdiction in the world deals with this problem. The Soviet Union did for a while, but they found that locking people up was actually very expensive, and also it reduced the workforce. The Soviet Union was probably the drunkest society in the entire world at the time.

We think that whatever you can do to stop people before they get into the car and drive away and do something is worth doing. So we are in favour of that. My colleagues have not sat around the table and said, "Yes, we agree to say this," but in the draft paper there has not been any dissent yet. We would say to the ACT government that when the police do that, we are strongly in favour of it. We have not said that about anything yet, but we have come to the view that it is time that the trust said publicly and loudly, "There are things that ought to happen, and this is one of them." But I am very happy to send you all the draft of the drink-driving position paper.

DR BOURKE: Can you send it to the secretary.

Prof Aitkin: I will send it to the secretary. You can see what it would look like. It is

not yet properly designed, but the text is there.

DR BOURKE: Thank you.

Prof Aitkin: Except that my colleagues have not yet agreed to it.

MR COE: Professor, the psychology of and attitudes to road safety, I think, are particularly interesting. This touches somewhat on what you said in your opening statement with regard, in effect, to risk minimisation, risk management.

Prof Aitkin: Yes.

MR COE: There is always going to be risk. The only way to get to zero risk is not to have cars at all. Then you get to zero quite quickly.

Prof Aitkin: Yes.

MR COE: But that is not acceptable. Therefore, we try to manage the risk. With that in mind, vulnerable road users are always going to be vulnerable. It is just to what extent that vulnerability may lead to an injury or to a fatality. How do we have an informed discussion about this such that there is an acceptance that cyclists or motorcyclists being on the road next to two-tonne pieces of metal are going to be vulnerable—

Prof Aitkin: You mean less vulnerable?

MR COE: and we just have to have an informed debate about this. Is it something that we are grappling with?

Prof Aitkin: Yes, we are. I think my response to you is that we have slowly improved, and that all you are going to get is an incremental improvement. I have been in this for 15 years. I am frustrated by the slowness of the change but buoyed by the fact that the change is in the right direction. If you compare now to 15 years ago—I came into this through the Road Ready business. I was asked to chair the committee that produced Road Ready. Brendan Smyth, still a member of this Assembly, was the minister and he asked me to do it.

It was the last thing I wanted to do. I was as busy as anything, but you do not say no to the minister when he asks you to do something like that. So I did it and I got hooked on road safety. I began to see that this is really very important. It is very frustrating and it is very difficult. I commend what you are doing. It is very important. Go for it. But you have to live with the fact that the improvement that you will produce is small—as long as it is in right direction. I think that in 1970 we killed 30 people per 100,000 on the roads. We have now got to six. That is over 43 years. It has been a wonderful decline.

A lot of what John Armstrong said I strongly agreed with. But he said that there is no single solution to any of this. It is multiple solutions. He is only talking about cyclists. But I would say the same about road safety. There is not any single—there is no silver bullet. We actually do not want to know about deaths. Yet if we had the 1,500

Australian deaths in five lots of 380 all going down in aircraft, there would be no flights until what happened was sorted out—why did five large aircraft all come out of the sky?

But with 1,500 deaths on the roads a year, we say, “Oh, it’s better than last year.” So we have got a tick. It is 1,500 grieving families. Jon Stanhope, who was my minister, said to me in an unguarded moment that every time there was a death, he felt personally responsible as minister for transport. I know exactly what he means. I feel the same. We should not have any deaths in the ACT at all. Every time they occur I think the trust has failed. Actually, it has not. But you have to gear your expectation down to what is—Alistair, you made this point yourself: it is risk management versus risk minimisation. Every human being takes risks. Every time you cross a road you should ask yourself whether you have you looked both ways and looked again. That is how we were taught to do it at school.

MR COE: If it is a particularly fast car, it could all be moot.

Prof Aitkin: I think of the girl, whose name escapes me, who was knocked down by a car in a police chase. Her father was one of my staff. I have been through that for years and years and years and years and years. I feel she was miserably unlucky; just unlucky. But we could all be unlucky. Your job is to try and make the unluck just a little better.

MR COE: With regard to the improvements in the last 40-odd years that you mentioned, it seems to be widely attributed—significant improvements were made by the drink-driving laws, seat belts and air bags.

Prof Aitkin: In terms of regulation, yes.

MR COE: Is it reasonable to say that the most progress has been had with regard to either car safety or road engineering as opposed to attitude?

Prof Aitkin: No, attitude is bad. Sorry, yes.

MR COE: So has attitude been a constant, in effect, do you think, or not?

Prof Aitkin: Yes, one of our PhD students at the University of Canberra gave her last seminar. She got 60 or so people to turn up to it. She passed around a little piece of paper first that asked, “On a scale of 0 to 10, where would you place yourself as a driver?”—nought being that you should never be allowed on the roads and 10, “I am the best there is.” We all put our figure in. After they were assembled, she told us the outcome at the end. I had forgotten all about it. The average was 0.83.

There was nobody there who was below 50. Nobody said they were average. Everybody said that they were good drivers. That is part of the attitude problem. You have to get to my age, I think, to suddenly realise—well, not suddenly, but slowly realise—that you are not as good as you used to be. For example, my peripheral vision is not as good as it used to be. So I now turn my head at intersections.

Women do that in general. We know that. But men tend to go like that—they just

flick. But now when I come to an intersection, I slow right down. I look to the right, I look to the left and I look to the right again because I have had a few scares. Why? Because my car is a very good car, but it has got a big solid roof on it and a big triangle on the left-hand side, which means there is a blind spot there. I have to go like that to make sure there is nobody there.

On the whole, at 16, 17, 18, you learn to drive and it is a new motor skill. It is a set of hand-eye coordinations, judgements, all the rest of it. It is amazing how good we are at it. You stand at the top of the AXA building in Sydney and look down. I have done this because I have a bedroom there. I have marvelled at all the traffic going onto and off the Sydney Harbour Bridge. It was as though a great intelligence was doing all of this. It is not. It is hundreds of thousands of individuals doing a very highly skilled thing that they do very well. It is really marvellous.

But we are only human, not super human. So every now and again someone does not do it exactly right. There are a couple of bingles and there is crossness, tow trucks and so on. That is just damage. That is not humans. But when humans are involved, it is awful. We have 40,000 serious injuries, hospitalised injuries, a year in Australia.

THE CHAIR: Just back to the—

Prof Aitkin: You have to watch me, because I could talk about this for days.

THE CHAIR: I go back to the attitude comment. We had some discussion yesterday about a proposal for psychometric testing for licence holders.

Prof Aitkin: I have done nearly all of those. I am not opposed to them in principle. The problem is that if you fail them, you are not allowed to drive. But people still drive. The real problem is that we have got a lot of unlicensed drivers driving. The police pick them up every time they stop a car for something else. They ask for the licence; they have not got a licence; bang, back into the courts.

There is a culture. We have done some work on this. I think it is much more important than many others, but then I am a social scientist who is very interested in political culture. So of course I would be interested in driving culture as well. We all think that we are better than we are. We all think there is a safer speed, that if I am driving at a slightly higher speed than average, then I am safe anyway. I mean, that is a safe speed. I drive to Sydney and Melbourne a lot, and I put the cruise control on 110—on the real 110, which in my case is 112. I have measured it against the Wodonga thing. It is always exactly the same.

My wife cannot believe that any serious man would do this, but I count the number of cars I pass and the number of cars that pass me. When we get to Campbelltown and that is the end of the drive, I tell her what the outcome is. It is something like I will have passed six cars and been passed by 24. That means that since I am driving at the legal limit, on the whole most people are driving above the legal limit. I am sure none of you does this, but a lot of people do. They think they are okay.

Our job, the trust's job, is to educate people, to tell them, "It wouldn't hurt if you drove a little slower." I say this myself. If you drive faster coming from Batemans

Bay to Canberra you will, on the whole, save three to four minutes and have made the road a lot riskier for everybody, including yourself. You cannot actually save much time on that road. You really cannot. I have tried it. John Murray, who is the Chief Police Officer, and I tried it years and years ago. It is simply pointless, and yet people do it all the time because they are in a hurry. We are a time-poor community and everyone wants to be there. They are all late.

Now that I am retired, it is wonderful. I am the safest driver you can find. I do not have any need to be anywhere for anything. I do not have any deadlines, except this morning, and I was here with plenty of time.

I do not want to minimise what you do at all. The outcome of this will be important, and it will help to educate. In the earlier session I think it was John Armstrong I was listening to. I do not remember how it came up, but I felt like saying, “No, every time someone says something, that helps a little.” But it is not going to help quickly and powerfully.

One of the things that has happened in Sydney is that the number of accidents that have occurred has increased, but the severity of them has not. The reason is that traffic speed now is so slow that you are much less likely to seriously injure or kill somebody. Why you would live there, I do not know, but people do, and you can see it. As I say, I drive to Sydney quite a lot. It is just gridlock. It is so slow. But the advantage is it is much safer.

We were strongly in favour of reducing the urban speed to 50 from 60. There were very, very good reasons for this, and we supported the government when it did it. There was tonnes of evidence. It is just physics, really.

MR COE: It was in about 1998 or 1999?

Prof Aitkin: Yes.

MR COE: It was trialled.

Prof Aitkin: Fifteen years ago. People said, “Nothing will happen.” It has happened. I monitor whenever I am driving not only what speed I am doing, but what everybody else is doing. The ordinary speeds around suburban areas in Canberra are much more like 50 than they used to be. Sorry, they used to be a bit over 60 and now they are a bit over 50. That is my judgement. It probably took five years to get to there. That is standard. If it was reduced again to 40 around shopping centres, which I would strongly support, then in time people’s speed will drop down and down and down. Each time it does, there will be a small reduction in deaths and serious injuries.

MR WALL: I draw you back, professor, to driver attitude.

Prof Aitkin: Yes.

MR WALL: I speak from my personal experience as a young male. I got my licence at 17. That typical hero complex sort of sets in where you think you are invincible.

Prof Aitkin: Yes.

MR WALL: But it was not until I undertook some advanced driver training and defensive driving courses and then did a bit of race driving that, I guess, my perception and attitude to the risk of driving on the road really set in. Do you think that there is a need for more practical driver training in the territory?

Prof Aitkin: On the whole, the evidence does not support it.

MR WALL: Okay.

Prof Aitkin: There is quite a lot of work that has been done overseas. In fact, we were talking to Dr Soames Job. Incidentally, we have just had a review done of the trust, and you will get that as a matter of course very shortly. It is just about to be published. The guy who did it, Soames Job, was the secretary of the National Road Safety Council and is internationally known as a consultant. He said that it does not hurt, but there is no evidence that it has a major effect on anyone.

I think the reason is that so much of it is chance. I am sure that serious race drivers who know very well that they live with death all the time drive very carefully on the public roads because they know they are good but they think everyone else is horrible. My father once said, “Just treat everyone else as a maniac and you’ll be okay.” This was in 1954 when I got my licence.

THE CHAIR: Indeed, that is the main concept in the original stay upright motorcycling courses.

Prof Aitkin: We funded that.

THE CHAIR: Yes.

Prof Aitkin: You do not see motorcyclists these days sweeping around curves like that. No, they lose their heads that way; very bad. There are far more cars on the road now than there once were. My father was the first person to come across a road death near Guyra in northern New South Wales. A motorcyclist went off his bike, went through a barbed wire fence and was beheaded. You could not talk to him for a couple of days. He had never encountered anything like that. I have not myself. But I have certainly been at a road death. That was in France. I arrived and a man was dying. There were other people there and we had a blanket. He got the blanket. I will become morbid in a moment. I will not do that.

THE CHAIR: I will cut you off.

Prof Aitkin: The outlook is good, not bad. The problem is us. The best things that have happened have been seat belts, random breath testing and the general regulation of speed. That is what you guys can do. That is what parliaments can do. On the other end, it is motor car manufacturers, tyre manufacturers, glass manufacturers, all of whom have improved the quality of the materials enormously in the last 60, 70 years—since the Second World War. There is no comparison.

You do not have blowouts any more. I had an unpleasant experience but the outcome was not bad. I lost a tyre on a hairpin bend on a mountain. Fortunately, the wall was there, not the drop. I lost control of the car. That was 1959. I have never had a blowout like that ever since and blowouts are unknown now. By my generation, you carried spare tyres for that reason. Today, some cars are not even resold with a spare tyre. It is just something that will get you to the next garage. That is all.

I do not think it is quite possible to say which is more important. But if I had to, I probably would say that the regulation of speed, alcohol and seat belts is more important than cars, if it were one or the other.

THE CHAIR: Professor Aitkin, thank you for your time this morning and for your submission. If there is any further inquiry from the committee we will let you know. There will be a copy of the transcript for you to have a look at.

Prof Aitkin: Thank you very much. I will speak to the secretary but my printer would not give me a fair copy of the witness documents.

THE CHAIR: Thank you very much. The committee will take a short break and will return at 10.30.

Meeting adjourned from 10.20 to 10.31 am.

MILLER, MR MARTIN, private capacity

THE CHAIR: Welcome back to the committee's hearing for its inquiry into vulnerable road users. I welcome our next witness, Mr Martin Miller. Before we begin, can I remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement that is before you on the table. Can you confirm for the record that you understand the privilege implications of the statement?

Mr Miller: Yes, I do.

THE CHAIR: Thank you. Could you tell us about the capacity in which you appear today?

Mr Miller: I am a keen advocate for cycle-friendly cities. I am also an electrician and the father of four children.

THE CHAIR: We have your submission. Would you like to make an opening statement?

Mr Miller: Just a short one, and then I will go straight into the presentation. I have been cycling, riding bicycles, for most of my life. In Sydney, where we lived until I was about seven, I was hit by a car while I was on a bike. Luckily, it was not a serious injury. When we moved to Canberra in 1977, we moved to Kambah and there was a great network of paths that enabled me to ride to school. I kept riding to school. I then rode to my first job. I have been riding on major roads—all aspects of cycling—since then.

In about the last six years I have been really keen on cycle planning and all aspects of liveable cities. I started a blog about four years ago called Bicycle Canberra. That has had about 60,000 hits. I have been a bit lacklustre with it for the last year or so, but I also run the Twitter account and Facebook account for that. It is to highlight issues with international best practice for cycling and infrastructure, which I thought we were not really getting; it was not promoted enough here in the ACT. I might move on to my presentation, if that is okay?

THE CHAIR: Yes.

A PowerPoint presentation was then made—

Mr Miller: Frank Hinder was an American artist. I will give a little bit of the history. In our centenary year I thought I would bring this in. He visited Canberra in the 1940s. He did a lot of sketches. Another link to Canberra, too, is the sculpture in Woden town square by Margel Hinder. He was her husband. He did a lot of landscape paintings and drawings at the time that he visited Canberra. I think you can recognise some of those hills and the landscapes. But something else caught his attention when he was doing a lot of drawings here in Canberra—the number of cyclists that he saw riding around Canberra at the time. This is probably one of the most famous drawings or paintings that he did.

What did Canberra look like at that time? This film is going to be released apparently on Friday this week, by the National Film and Sound Archive. This is out at East Block in Canberra. This is kids cycling to school. And this is the former Canberra high school, which is now the Canberra School of Art. It is a bit dark there, but you can see cyclists. This is in the 1950s, when things started to change. With mass production of cars and vehicles, people slowly changed their form of transport. That happened around the world, actually, at that time—the change from a cycling culture to one of more motor vehicles.

This is the current cycle usage rate around the world. In Australia I think it is about 1.6 or 1.7 in the latest cycle participation surveys. It shows that we are a long way behind other countries in terms of modal share. That is from ABS data, which only takes into account commuter cycling. With the total for the states, this is where we are. Canberra is the light blue line here. As I mentioned in my submission, cycling came down through the 60s and 70s. Once the cycle paths started to be built in Canberra by the NCDC, you see a massive jump to two per cent. That has not been repeated in that time frame. Other cities have come down, but we have slowly increased since 1991, or since self-government, you could say.

We still have a long way to go. It is 2.8, which has been mentioned before. We were supposed to get to five per cent. That is a big ask. One of the reports mentioned that just to maintain our percentage of cycling, that means an extra 800 cyclists cycling every year. That is just to maintain that level of 2.8. So to get to five is quite a big ask.

While our commuter cycling is increasing slowly, what about our other forms of cycling, such as cycling to school? This is Lyneham high in the 1960s. All the bike racks were full. That is the old Woden high school. In the 70s, many children walked and cycled to school, many on the great cycle paths that we have got around Canberra.

This was a preliminary study done by Dr Jan Garrard for ACT Health, looking at the proportion of students walking and cycling to school. You can see that is on a significant decline. From 2006 to 2009, you could argue that some of the school closures had an effect on that, because a lot of the kids had to cross major arterial roads and travel further to school.

It is just best practice to design cycling infrastructure. I have included these diagrams. You may or may not have seen them. One is from New Zealand. This one is from transport for London. This one is from Copenhagen. It shows you the relationship between the volume of traffic, car traffic, and the speed of the road. As you increase the speed, the greater protection you have for cyclists. So you physically separate cyclists, particularly on high speed, high volume roads.

In the Netherlands, they go a bit further than that now. This is taken from their design manual for bicycle traffic. You can see that in residential streets they have a 30-kilometre zone, and they also have it slower than that. They have combined traffic—50 kilometres an hour, so they separate that into a cycle track with parallel road use. You do see some cycle lanes, but not on major arterial roads, and for anything higher than 70 kilometres an hour, such as on major motorways, they will completely separate them.

The other diagram there is from the recent report released by the previous Australian federal government into cycling and walking. It reiterates those key factors for greater separation on different types of roads as you increase the speed.

MR COE: Is it true that in the Netherlands, at 70 or 80 kilometres an hour, you are not allowed to ride on those roads?

Mr Miller: It depends on the type of roads. With motorways and freeways, you are not allowed to ride on those roads, even in breakdown areas. There is a fine. All across Europe, you will see that. This idea that you have to have infrastructure on every bit of road—you do not see cyclists using it. They would not use it, anyway. It is about that provision of infrastructure. And they have a lot of rural roads. That is what cyclists use, and some of them have been declassified as well. When you build a new road, the old road gets declassified and can be used as a cycle road.

MR COE: Like the old Majura Road, for example?

Mr Miller: Yes. That could be used like that. You still will have the people that live off that road. They can use that road, but you must give way to the vulnerable road users—cyclists and that sort of thing. That is what they have been doing.

Separate cyclists—that is pretty self-explanatory. That shows the major dyke in the Netherlands which goes for about 20 miles. That is completely separated for 30 kilometres. That shows an example in Canberra, the ACT, a breakdown area reclassified as a cycle lane. There is no protection whatsoever at 100 kilometres an hour. This is the example in Copenhagen on the major arterial road into the city. Copenhagen is a dense city but it is one of the less dense cities of Europe. I have heard it said that they have the third largest urban sprawl in Europe. So they have a lot of people living out in the suburbs and this is the way they ride into the city. It is quite well used. There are different types of cyclists there. You have cyclists in lycra; you have all types.

I will just go to some of my recommendations. I will not list them all. This is for a pilot suburb. I suggested that based on vision zero speeds. We talk about a reduction to 50 kilometres an hour. At 50 kilometres an hour, there is still an 85 per cent chance of death if you are hit by a car. I would say that it is at 100 per cent for children.

This is Chifley, as an example. I live in Chifley. Your major collector routes will still be at 50. You would have either cycle lanes on that road, or whatever. The access streets will be at 30, and then those through-streets will be at 10 kilometres an hour. I live in a cul-de-sac. The speed limit is 50 kilometres an hour. I have children playing out in the street. They should be allowed to play in the street. The volume of traffic is not that fast, but all it takes is one car at the wrong time. With respect to having a shared speed zone limit, I always drive up my street at about that speed, 20 or 10 kilometres an hour. When you come out on to Hindmarsh Drive, that is a suggested speed. It is 80 at the moment. But that type of road would be 70 under vision zero speeds, and then on to the parkway it would still be 90 or 100. There would not be any issue with time, significantly, for people that were still wanting to use their car on the major arterial roads. They are kept at the same speed.

In terms of cycling infrastructure, there are cycle lanes on Hindmarsh. Under my recommendation, there should be physically separated cycling infrastructure on that road. There is a path on the other side, which is fine, but on this side it is quite poor.

I noticed that yesterday the Canberra Cycling Club said that cycle lanes are cleaned once a month on roads. It is an annual thing for all roads in the ACT. For cycle paths and shared paths, we have nothing. I have requested a couple of times to have these vehicles, particularly when they are doing mowing, because they just spray across the path and nothing gets done about it. That is where you see a lot of injuries. My son slipped over on his bike because there was grass everywhere on the path. And these are not expensive. These can be easily purchased and routine maintenance can be done on the shared paths, the main trunk paths. I am not saying every footpath should be cleaned like this, but the actual paths in the ACT could be cleaned.

Recommendations 8 and 9 relate to a cycle track for schoolchildren. This was the old Belconnen one. We used to have one in Deakin, if I remember. When they scrapped this program, they were comparing two different programs at the time. One was run by Pedal Power in schools, but that has subsequently been scrapped altogether. The idea is to have both of these. These little traffic environments are good for smaller children, for two, three or four primary school years. They are still used in other states and around the world. I think the one in Utrecht in the Netherlands has been going for 50 years and is still used. So you use that for the early years in primary schools.

This is one in a Sydney city park. That is open on weekends. You can go along and take your kids. So they could be put in the district parks. You could go down with your kids at any time. Specific school groups could do some of the cycle training and pedestrian activities. There is probably no traffic teaching in schools anymore. It is very limited.

This program is run by Cycle Education. They do a really good job. It is limited because they do that at the back of Campbell Primary School. They just put out some cones and stuff like that. They run that in the school holidays. But I think we could do better than that.

I will not show you all of this video, but this is what they do in the Netherlands. In year 6 they do a cycle test. They get them to do a practical test and a theory test. They do a specifically designed course around their town. It could be about five kilometres, and you have people marking it off. That is a typical school in the Netherlands. It is what we used to have in the 1970s; it is still like that now. And it is like that now because of the infrastructure they have built to make it safe for children.

In the 1930s it was the same sort of thing. In 1935 these tests were done. It goes through teaching traffic from an early age to children in preschools and primary schools. I think it is a government-private funded program.

This is Copenhagen, then and now. This was in 1935. You can see that the number of bicycles outnumbered cars. There is a typical roundabout there. It is actually taken from an old film. In 1958 we see quite a change in the urban landscape in transport. I have included this photo in my submission. These crosses are the cycling deaths on

the roads in the 1970s, and they had a massive drop in their cycling rates. These are the first cycle tracks. These are different to cycle lanes. Cycle tracks are the ones you see in the Civic cycle loop. They were built in 1982, and we slowly increased the cycling rate. You can see all ages.

When you look at the cycling gender gap in Australia, it is still heavily male dominated. Middle-aged men in lycra are still cycling. In Copenhagen, more women cycle than men, because it is safe to do so and the infrastructure is good. Imagine trying to do that on Northbourne Avenue—saying hello to your friend in a 1.2-metre cycle lane. That is the nature of the infrastructure.

The cycle bridge has the highest cycle count in the world. It is just over half of the rate it was in 1949, and that is the cycle count that they get today, from last year. So they went through a period of high traffic. If you look at the death rate or the fatality rate and injuries, it spiked here. This was in the 1970s, and then it has slowly come down as well.

With respect to the design of intersections, I know there was mention of cyclists being able to turn left on red lights. They are the minority of intersections in the ACT. You see them out in Fyshwick, where they do not have these left-turn lanes. We have a proliferation of these left-turn slip lanes throughout the ACT and Australia. You do not see them too much around the world. Sometimes it is signposted; it already says that you can turn left on a red light. So my recommendation regarding the strategic cycle network is that we should remove these left-turn slip lanes for cars and follow more of a Dutch design here, where you can see different types of cycling physically separated from that intersection. They drive on the right side of the road there. There would be no need for them to stop, because they just go straight through on their cycle track. So if we had better infrastructure, that would eliminate that issue.

At pedestrian crossings, cyclists dismount. That is always a big bone of contention. I have showed some different designs here. This is one in China. They do the same in Japan. They just mark a cycle lane next to the crossing. This is in the Czech Republic and the Netherlands. This is a roundabout in the Netherlands, which would frighten many traffic engineers here in Australia.

THE CHAIR: With those cycle lanes that you have shown us there, cyclists do not dismount? They have right of way in front of the vehicle?

Mr Miller: Not at all times; not at all crossings. Usually it depends on the type of route. If it is a major cycling route then you would get priority over vehicles.

I will quickly add something about bicycle helmet laws. I watched Mr Curnow yesterday. This is as it stands now. Australia, New Zealand and Finland are the only countries that have all-age mandatory helmet laws. Finland do not enforce the law. They do not have any traffic fines for it. In British Columbia, in Canada, they have an all-age helmet law. With respect to the ones in pink, usually children up to a certain age wear cycle helmets. The Northern Territory is shown there because they repealed part of their law in 1994, so that adults over the age of 17 could ride on footpaths without a helmet. That finishes my slide show.

THE CHAIR: We only have a short time left for questions for you, but I might just ask in regard to your last comment on helmets: are there any safety advantages in removing the compulsory position for people to wear cycle helmets?

Mr Miller: The evidence is there that a cycle helmet can reduce your risk of injury by at least 20 to 30 per cent, on the literature that I have read. But should it be mandatory? I cycle to the shops. I cycle on paths to cycle my kids to school. I do not reckon I need to wear a helmet in that sort of situation. It is quite safe to do so. I have an upright bike.

When I go mountain biking, I wear a helmet, because that is a different type of cycling. And if I cycle on the roads or in racing, I would wear a helmet. You are in a different position. If you are cycling that way, you are more likely to go head first over your bike that way. But if you are cycling upright, it is much safer. If you are falling, you are usually falling that way and you hardly ever fall on your head in that sort of circumstance. The normal reaction is to put your hand down. That is the way the Dutch see it as well, and all other countries. They would not make it mandatory in those countries because they would know that the cycling rate would go down quite significantly.

If you are talking about health benefits then that is a concern. The idea is to get more people cycling, reduce our obesity and get more kids active and that sort of thing. I think having helmets mandatory has made cycling seem a dangerous activity, which it is not really. You do not wear helmets as pedestrians, and they get quite a high rate of head injury as well.

DR BOURKE: You recommend that pedestrians and cyclists be separated from cars on major routes. Can you give us examples where shared space has caused a significant safety concern for cyclists? What is your evidence for recommending this?

Mr Miller: You mean separating cyclists on major arterial roads?

DR BOURKE: Yes.

Mr Miller: Physically separating?

DR BOURKE: Yes, and also separating cyclists and pedestrians.

Mr Miller: Because they travel at different speeds. You have got motor vehicles travelling at between 60 and 100 kilometres an hour. Cyclists can go between 20 and 30, and then pedestrians at five to 10 kilometres, if they are running. There have been studies done in Denmark and Netherlands which show that cycle paths physically separated from high-speed traffic are much safer than cycle lanes.

The issue is when you come to intersections. That is when the design needs to be done properly. And I think the latest designs, where they have different light phases and that sort of thing, protective islands, are much safer. They have removed that left-turn slip lane. You see here on our arterial roads, where we have the left-turn slip lanes, the green lanes, you have the car crossing the cyclist. They have removed them in most cases in the Netherlands. So they do not cross. It is difficult to see cyclists coming

from behind. You have to turn your head that way. So the cyclist gets ahead of the motorist, because the stop lane for cars is pushed back.

In regard to separating pedestrians where there are a lot of pedestrians and a lot of cyclists, I think it makes sense to do that. They have done that on the bicentennial bikeway in Brisbane, because they were getting a lot of conflicts between pedestrians and cyclists, and that has made it much safer.

DR BOURKE: We had some evidence this morning that suggested that on-road cycle lanes were the safest place for a cyclist to be. That seems to disagree with what you have just told us.

Mr Miller: They are safer than having nothing at all. I think I said in my submission that they looked at a number of hospital admissions and they took it from that that, because there were more injuries on the cycle paths than in the cycle lanes, the cycle lanes must be safer. But what they did not take into account was that cyclists use the cycle paths. And that has been noted in the cycle counts done by GTA, Pedal Power and Spackman Morris that did a review of the network a couple of years ago as well. So you have to take that into account, and the different type of injuries as well. A lot of the paths are not direct. There are conflicts with pedestrians, again. More serious injuries occur on the road if you are hit by a car, a motor vehicle.

MR COE: If you had a magic wand, what engineering changes would you make to Northbourne Avenue?

Mr Miller: A magic wand and significantly increase the funding for pedestrians and cyclists. It is not just cycling.

MR COE: What would you do for Northbourne Avenue?

Mr Miller: Put cycle tracks like they have on the Civic cycle loop and separate them from pedestrians, remove the left-turn slip lanes for motor vehicles so that they would be signalised left-turn slip lanes. That would encourage more people to cycle and make it much safer. That is what you should be doing on arterials. That is what the literature tells you to do.

But in our design standards, we have said that that does not apply in the ACT because we have the best design, apparently, for road network in the world. But that is just not true. There are comparable cities around the world that have good road networks. If you are talking about vision zero and road safety, they still separate different transport modes when the vehicle speed is much higher, and also the traffic volume.

MR COE: So across Canberra the government has made quite a few changes to those slip lanes, but primarily on the exit of the slip lanes with regard to the 60-degree turns so that you see oncoming cyclists, but that does not necessarily help with cyclists travelling the same way for the entry to the slip lane. In effect, are you saying: do what they have done for the exit for the slip lane but also to the entry so that you, in effect, do not—

Mr Miller: Yes, if you have cycle tracks then you would not have cycle tracks

crossing the left-turning vehicle lane. So you would follow that out to the left and then you would have those left turns signalised and then the cycle phases. So you would have different traffic light phases for the cyclists and the motor vehicles.

This is the issue: if you force the cyclist onto a cycle track off road, let us say—it still could be part of the road environment but you are putting in median barriers, concrete barriers, whatever—and you still require cyclists—

MR COE: Segregating them?

Mr Miller: Yes, because that is where all the pedestrian crossings are. If you are still requiring them to get off the bike, walk across, then get on and then get off again for those slip lanes, it is ridiculous. People will still use the road. You have to make the infrastructure work for everyone.

MR COE: With the international comparisons such as the chart that you showed earlier in your presentation with the bicycle share where Australia was only at one per cent, especially here in Canberra how does the average journey length compare to those comparators?

Mr Miller: Canberra is really hard to compare to other cities because of our five different town centres. That is the way I look at it. Canberra is our city, town, and then you have Woden and that sort of thing. If you are cycling to the shops and that, even the distance from Weston to Woden is only five to six kilometres. Even from Woden to the city is probably about seven or eight.

Some of those overseas schoolchildren are doing up to 10 kilometres each way, and they can do it because the infrastructure is good enough to do it. The Netherlands is a small country. It is quite dense. People cycle between towns, the 20, 10 kilometres between, to work and that sort of thing. So long as the infrastructure is built properly, it is more than feasible for people to do it, and it is pleasant. If you have got to battle with fast traffic and cars and that sort of thing then most people will not do it. Only the strong and fearless will do it.

THE CHAIR: We are actually over time. Mr Miller, thank you very much for your time here today and your submission. We will get a copy of the transcript to you so that you can look for any errors. And that will go up on the webpage as well.

HALL, MS STACIE, private capacity

THE CHAIR: Ms Hall, before we begin, I remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink card on the table before you. Could you confirm for the *Hansard* that you understand the privilege implications of the statement?

Ms Hall: Yes, I do, chair, thank you.

THE CHAIR: Could you state what capacity you appear in today?

Ms Hall: I have provided a submission to the inquiry as a private citizen and cyclist and a long-time Canberra resident.

THE CHAIR: We have your submission. Would you like to make a statement for the committee?

Ms Hall: I might just start by thanking the government for initiating the inquiry, and I thank you for the opportunity to address the committee on what I believe is a really important issue for all citizens of the ACT. In my submission, I focused particularly on a couple of issues. I have read all the other submissions. It was fabulous to see that the committee received, I think, 50 submissions from a range of interested parties.

One of the themes that was common across quite a number of those submissions, particularly those from cyclists, was the issue in relation to irresponsible and aggressive driver behaviour, which was the key focus of my submission. I genuinely believe that that is the issue that most urgently needs tackling in this context. As a rider on the road, it is a very common experience to be targeted by motorists or to be the unfortunate victim of irresponsible, thoughtless or careless driving behaviour. That is everything from people just not being aware of the road conditions or of other users around them to people doing silly things like texting or talking on their mobile phones. A minor lapse in concentration by a driver of any sort of vehicle, and just swaying into a cycle lane, has the potential to have enormously profound consequences for other road users, particularly cyclists.

I will just talk to my submission in a bit more depth. You folks, as cyclists potentially or even as motorists, would be aware and may well have been victims of road rage incidents in your driving or riding experience. I would guess that you would appreciate how disconcerting that can be when you are driving a car. When you are riding a bike, it is truly horrific. It is truly horrific, but it is a regular occurrence, and that is the really sad thing. It is so unnecessary; it is absolutely unnecessary. Quite often these attacks are unprovoked or are set off by the slightest perceived infraction of the road rules by cyclists.

There are a number of underpinning causes. Most prominent amongst those is that there is a lack of appreciation by all road users—cyclists and motorists—of the road rules as they apply to all users. Quite often—my colleagues sitting here in the gallery will smile—we get abused as cyclists on the roads for being on the roads. You get told, “Get off the road.” If you are riding two abreast, which is quite legal, you get abused

for that as well. Often you get projectiles hurled at you, which creates an enormous amount of danger. It is just so unnecessary.

One of the things that I would urge the committee to try and focus on in its response and recommendations to government is what can be done to improve the behaviour of that small minority of drivers that create an enormous amount of risk for other road users, particularly cyclists but all road users. If someone is driving a vehicle on the road with that sort of attitude, the propensity for them to cause some harm to anyone is increased.

In my submission, I have provided some ideas as to the types of things that practically could be done to address this particular issue. In summary, they go to things like reducing speeds on key shared roads. If you are driving a vehicle and you are perhaps going at 50 kilometres an hour, you have perhaps slowed down to turn and someone flies past you at 80 or 100 quite close in a vehicle, you will be aware that that can be a bit disturbing. On a bike, it is something quite unsettling. So it is about giving consideration to reducing speed limits on key shared roads, particularly during peak commuting hours when you have got a lot of users sharing the infrastructure, and also on the weekends, on, say, roads like the Cotter-Uriarra loop road, which is often used by cyclists. That is an area where we often encounter motorists that do not particularly appreciate cyclists—or motorcyclists who also use our roads.

Another suggestion that I would propose is standardising police complaint procedures. I have found in my experience, and my cycling friends have found, that interacting with the law enforcement agencies to report an incident and then have that followed up is handled very inconsistently. There is an education job for us in the cycling community to do to help all members of that community understand what the key steps might be—for example, going to the police and firmly requesting that you want to make a statement: as opposed to putting in a complaint, actually putting a statement on the record that requires them to open a file and follow up the incident to conclude it. And then there are the procedures beyond that—if the matter is not progressed to the satisfaction of the complainant through to escalating process steps in the system all the way through to police or ombudsman-type consideration.

That would make it easier for cyclists. Very often, when they have these experiences, they suffer some physical injury as well. In addition to going to the hospital, getting yourself cleaned up, recovering, getting your bike fixed and replacing all your kit that has been trashed, you have to follow through a police process. It is really quite hard. It is impenetrable. The burden of proof is on the complainant.

I said in my submission that when these incidents occur, they occur in a matter of seconds. You will have a group of cyclists on the road and a vehicle will approach at speed. You will be worried about your safety. Your first thoughts will be about keeping yourself upright, getting yourself into a safe spot. You will be lucky if you get the vehicle re-go. You almost certainly will not be able to identify the driver. Yet in order to have charges pressed against someone, you have to have all of that evidentiary information there. Otherwise it is very difficult for the police to do their jobs.

I submitted to you in my written submission that, as the risk is asymmetrical for road

users, the vulnerable users, as you would be aware, that are suffering or bearing the greatest risk have a similar level of responsibility with respect to proving the cause of incidents. That needs to be something that would be constructively looked at in this context.

The other thing that I think would be really useful is this. Sorry, could I just go back one step. The issues I have canvassed so far would require some sort of legislative change. I do think that is important to further drive the cultural change that we need to see. The problem with respect to aggressive and irresponsible driver behaviour is attitudinal. The strongest foundation for the type of cultural change we need would be some sort of legislative reform.

I have talked about enhanced penalties in my submission. I have talked about increased resources for police services in order to undertake periodic blitz-type campaigns targeting particular types of road user behaviour. You will be aware of Operation Halo in Victoria, which targeted all road users, including cyclists. There were infringement notices issued, mostly to motorists, but some in respect of failing to wear helmets or failing to stop at traffic lights. Not all cyclists are perfect either; they do not all obey the road rules. I think there would be benefit for the road user community at large for some types of targeted blitzes. We do it for speeding; we do it on long weekends; we do it for drink-driving. This type of behaviour on the road poses a similar degree of risk to those types of dangerous activities that occur on roads.

I think there should be consideration given to toughening penalties. I have talked about the difficulties with the burden of proof and the length of time that a police investigation of an incident takes. As a specific suggestion, perhaps consideration of immediate suspension of licence upon the receipt of, say, three or four credible witness statements with a registration number, pending the outcome of an investigation, might change mind sets. It might change behaviours. It would certainly cause people to stop and think more carefully about their conduct on the roads if the consequence of doing something that posed a danger to another road user was that you had your licence suspended.

I know civil liberties groups will be up in arms about that sort of suggestion. However, on balance, for a driver to lose their licence and lose the privilege for a period of time while an investigation is underway, lose the privilege of driving, that is certainly inconvenient. It would have economic consequences potentially if they required their vehicle for their work. But those detriments to those users compared to the potential detriment in terms of severe physical injury or death that could be a likely consequence of poor driving behaviour is something that is validly weighed up in this context. It might be, heaven forbid, an eye-opening experience and a mind-shifting experience for someone to lose their licence and actually have to ride to work or catch the bus and appreciate the view from the other side of the fence, so to speak.

The other point that I wanted to draw out in relation to my submission is this. I did touch on infrastructure, and I am not proposing to talk to that here today. Others have far more credible views on that. But I wanted to talk about road user education. Not all road users—I would say at least not the majority of road users—have a crystal clear understanding of the road rules as they apply to them and as they apply to other users. I would say that about my very broad community of cycling friends as well, and

this issue was crystallised for me in talking to my husband about it. We were discussing the inquiry and the submissions. My husband has been cycling for 30 years all around the place. He said to me, “Is it legal to ride two abreast all the time, even on a two-lane, each-way road?” I said, “Yes, it is.” He said, “Why do we go single file on those roads then?” I said: “We do that because we perceive it to be safer when riding in bunches, and it is courteous. It enables vehicles to get around.”

That crystallised something for me. If he did not understand the law, was not really clear on the law, there is a degree of confusion and misinformation amongst the cycling community. There certainly is amongst the motoring community, as evidenced by the abuse that we get when we ride two abreast. There is a very strong perception amongst the motoring community that we are absolutely not allowed to do that and that it is infringing motorists’ rights. That is often the cause of altercations and incidents between motorists and cyclists on the road.

There is nothing more that I wanted to draw out in relation to my submission. I would be happy to take questions.

THE CHAIR: Thank you, Ms Hall. Earlier you mentioned attitudes of drivers and possible education programs for road users. What would you suggest should be in those programs?

Ms Hall: I was planning to do some research on this myself, but as a busy mum with a full-time job and a couple of young kids, I have not got quite around to it yet. Some standard information could be produced by the government—it may already be available; and apologies if it is—that clearly sets out the obligations and the rights of different groups of road users. That could be broadly proliferated through the community and it could be provided to cycling groups so that they can assist in further educating their members. Gary Rolfe will talk to this a bit more, I am sure, after I have completed my evidence, but standard information that is easy to put your hands on, that we can give to new members of cycling groups and that we can use periodically to refresh and reinforce the understanding of existing cycling groups, is a key part of it.

There could be some broader advertising across the whole community. I am thinking of television advertising, particularly quite confronting advertising, similar to the ads that have been used nationally to target other types of dangerous road behaviours like speeding. You will all recall the ad that deals with fatigue with the kombi van: the two people driving are waking up early in the morning having driven all night and there is a horrific crash with a semitrailer. I am thinking of something graphic to get the message across that a momentary lapse in concentration, a moment of inconsideration or a moment of aggression by a driver can have massive consequences. It needs to be as powerful as those types of advertising campaigns—similar to the grim reaper campaign. You have to really catch people’s attention here. It is important. My cycling friends are members of our community. They are productive, committed and great members of the community. They all have families. They are someone’s wife; they are someone’s husband; they are someone’s son, brother or father. They do not need to have their life compromised through something that could be completely avoided.

DR BOURKE: Do you think that a campaign like that might affect perceptions around safety? We heard evidence from the previous presenter about crosses being painted on roads in Denmark to draw awareness to risks for cyclists and how that, in Mr Miller's evidence, contributed to a decrease in cycling. Do you think a campaign run in that way, very traumatic, might actually change people's perceptions about the safety around cycling and, therefore, reduce people's desire to cycle?

Ms Hall: Absolutely. We need, I think, something that makes people just stop and think for a moment and that captures the hearts and minds of the community about how something as innocuous as checking a text message while you are driving and consequently drifting into a cycle lane can change not only your life but a lot of other people's lives as well. As a driver, another aspect that needs to be reinforced is the consequences for you as a driver if you seriously harm or, heaven forbid, kill someone.

DR BOURKE: I think the point of my question was that if you ran a campaign like that, that was graphic, the risk is that cycle rates will plummet.

Ms Hall: Perhaps. People do cycle on the roads particularly, and we do consciously accept a degree of risk in that context. That is what we do. People who love cycling love cycling. People who cycle for recreational or fitness purposes will be less likely, I think, to cycle on the roads. They would be more likely to use cycle paths where the danger is, I think, less than road cycling because you are physically separated from faster moving traffic.

The rate may plummet for a period, and I certainly do not have the research on that. There is possibly some research on that. But people who cycle really do live and breathe cycling, in my experience. I have had two fairly severe crashes in the last 12 months. I still get back on my bike, because I love to ride. It is just what I do.

DR BOURKE: In your submission you also talked about your cycling experiences in Europe and you have never been threatened by motorists. Yet this is, as you have said, not an uncommon occurrence here in Canberra. Why do you think there is that antipathy to cyclists from some motorists?

Ms Hall: As I alluded to in my submission, I think it is cultural. We have a strong motoring culture here in Australia. That is evidenced by the fact that we have got motoring enthusiast political parties. You do not necessarily see that in continental Europe. There is an entitlement mentality. I think the majority of motorists consider that the roads are there for their use, private vehicles first and foremost, and then feel resentment to other road users and perhaps do not necessarily recognise that governments invest in road infrastructure for economic and social reasons. And this is where it is important to educate the community about the hierarchy of road users as well.

We have roads so that trucks can carry goods, people can get fed and the economy can work. And it is important for trucks to use the roads. It is similar for other service vehicles, and then the range of other road users as well. Shift that perception in the types of ill-informed comments that we see in response to media articles: "I pay my taxes and, therefore, I'm allowed to use the road," by cyclists, or, "I pay my rego. Cyclists don't pay rego; therefore, they have a lesser entitlement." It is ill informed,

and there needs to be an improvement, I think, in education around that. And it goes to those cultural types of attitudes, the norms.

THE CHAIR: Mr Wall.

MR WALL: In your submission you mention quite extensively issues of driver attitude to cyclists on the road. You are not the first witness or submission to raise this issue.

Ms Hall: It was a very common thread coming through all the submissions, I did notice.

MR WALL: From your experience, though, just to try to get a better understanding of it, is there any rhyme or reason why it happens or in certain locations? Are there times of the day when it is perhaps more prevalent than others or on certain roads or in speed-limited areas that you see a higher instance of it occurring than in others? Or is it just generally widespread.

Ms Hall: I think it occurs more frequently on roads that are popular, common-shared roads, key arterial routes where people are commuting or that form part of a regular cycling route that dedicated bunches will be on. The bunches will be on those every week, on a particular morning. It will occur in morning peak hours when you have got big bunches riding, from 6 till sort of 8 in the morning. I find it extraordinary, though, that I can be riding on my own up Majura Avenue in Dickson on my way to a regular Wednesday morning bunch ride at 10 to 6, there is no other vehicle, there is nothing else on the road, it is two lanes either way, and someone can throw a cup of McDonald's orange juice at me, just for fun. And that is the kind of stuff that we deal with all the time on the roads. I think it occurs where there is no dedicated cycle lane.

Where you have got very wide lanes, like Adelaide Avenue or down the Federal Highway before you get to Northbourne, where it is wider and there is more space for cyclists, other vehicles do not feel that their space is being infringed on. Where you have cyclists riding on an actual road lane, whether it is a single lane or whether there are two lanes, and we take the lane in those circumstances, we will endeavour to behave as if we are a vehicle. We will form up in a bunch, we will signal, we will slow, we will obey all the traffic signals, to be predictable and to try to fit in with the other traffic. But I think in those circumstances, where you are actually using a road lane, you are more likely to be targeted by aggressive drivers.

I am looking at my friends here. Would you say that is right? Yes, I think so, on balance, in those circumstances.

DR BOURKE: Having been a regular commuter by bike over 20 years in Canberra before I came to this place, I rarely encountered abuse. I never had anything thrown at me. Do you think it is a cycling bunch thing rather than an individual cyclist? Motorists see a bunch of cyclists and that does something to their psyche?

Ms Hall: Not necessarily. I think it is more a time-of-day thing. When people are commuting, for example when you have got road commuters and cycling commuters—everyone is just trying to get to work and you are not just driving

around—you do not necessarily have projectiles handy in your car. You are not necessarily thinking about that kind of stuff. It is more a minority of trouble-making motorists that think it is okay or fun to target weaker road users.

THE CHAIR: We have run out of time. Thank you so much for your submission and your witness statement to the committee today. We will get a copy of the transcript of evidence to you for you to check whether there needs to be any grammatical changes. It will go up on the website as well.

Ms Hall: Thanks for the opportunity.

THE CHAIR: Thank you.

ROLFE, MR GARY MICHAEL, private capacity

THE CHAIR: Mr Rolfe, before we begin, can I remind you of the protections and obligations afforded by parliamentary privilege. I draw your attention to the privilege statement before you, the pink card. Could you confirm for the record that you understand the privilege implications of the statement?

Mr Rolfe: Yes, definitely.

THE CHAIR: Would you like to make a statement to the committee?

Mr Rolfe: I have been a cyclist in Canberra for 20 years. I am a level-2 triathlon coach. I organised the bunch rides for the Bilbys Triathlon Club. I also use cycling as my main form of transport. As well as being a competitive cyclist, I am a commuter. I also have had a large part in training junior triathletes and cyclists over the last 15 to 20 years, and I participate in cycle education in my role as a teacher. I have an interest in the safety of teenagers as they are becoming riders themselves, often just to get from one place to the other. As part of that role, I try to do a lot of education and a lot of safety so that cyclists are well informed and well prepared on the road. That is sort of who I am, yes.

THE CHAIR: Very good.

Mr Rolfe: Speaking to my submission, I know that a lot of other speakers and people who put in submissions focused a lot on the types of incidents that occurred; so I am not going to focus a lot on that, because I think everybody is well aware of the types of things that we are talking about. I am looking at ways of trying to prevent these things. Obviously there needs to be some attitude changes on both sides, particularly the motorists who are being aggressive and not thinking about the rights of cyclists on the road.

I was trying also to think about how we can minimise the way that we inconvenience other road users. This morning I was thinking about things that I did not include in my submission, things like when new roads get built and the shoulders on the roads. If we have a good shoulder, particularly in a group ride, we will ride on it. But what is quite common on things like Horse Park Drive and places like that is that when the shoulder gets built it is of an inferior quality to the rest of the road and it never gets swept. Everything from the cars, like all the debris, tends to move over to the side of the road, making it quite difficult for cyclists to actually ride safely on those.

People do tend to drift even closer to the road or on the road, which then makes it more dangerous for the cyclists and makes it more inconvenient for drivers. They feel like they are getting closer to the cyclists. When new roads are built, I think a bit more consideration needs to go into quality shoulders on the side of the road. I know it is an expense, but cycling is growing very much in Canberra.

Stacie mentioned how some cyclists will never be deterred, because that is what they do. Cycling is a very big growth thing, and it stays with new cyclists, whom I have a role in educating. They do not very easily get put off by things. I have got some

cyclists who want to compete but do not want to ride on the roads. It is about trying to create the perception and make it real that it is safe to do it.

Another thing that is maybe not a problem for recreational commuters is a bit of a trend lately—and I can see why it has occurred—where there is a nice shoulder on the side of the road and they build the roundabout, on the side of the roundabout they get you right off the road. It is concrete rather than tarmac. It takes you right off the road. If you are a cyclist who is on your own, that is quite okay to ride on. But if you are a bunch going up a kerb, going up like a little driveway, going off the road and you meander off the road—and you are not privy to the traffic rules—it is very difficult. I hope I have made it clear what I mean by that. All of a sudden the cycle lane finishes and then you have a footpath. For bike bunches—

MR WALL: Commonwealth Avenue would be an example of that?

Mr Rolfe: I am just trying to think. Yes, Commonwealth Avenue does it off on to the bridge. But I am also referring to ones with roundabouts. There are lots of them. This is the only example I can think of off the top of my head. The new Wells Station Road is a lovely road that goes from Horse Park Drive all the way to Gungahlin Drive. At the roundabouts there, the cycle lane suddenly stops and you have got footpath. I am thinking of Kate Crace Street and Anthony Rolfe Avenue in Gungahlin. There are lots of examples of it. As cyclists, we are out of the traffic's way; then we have to get in the traffic's way to go through the roundabout, whereas if the road was actually a little bit wider on the roundabout rather than forcing people off the road, it would make it a lot easier for everyone. I am referring to considerations like that when new planning is done.

Obviously, we have come up with a lot of incidents. It is funny; in the last week I have had two more near misses. In one case I was commuting on my own. I was in front. An ACTION bus went past me and then turned left in front of me. I am pretty confident that that bus saw me. I was riding in a bunch on the weekend. The cyclist that was a bit ahead of me moved because there was a bump on the side of the road. He probably deviated about that far off his line. He was brushed by a caravan on the shoulder. That for me really strengthens the case for motorists leaving a metre. On most roads, particularly in the ACT, the lanes are wide enough for a car not to have to cross the centre line and still be able to leave that metre.

I think a large part of it is education. I really support what Stacie was saying about making everybody aware what the rules are as they pertain to cyclists, because a large number of people do not realise that you actually can ride two abreast. We often cop abuse for riding two abreast, even when it is very safe to do so. I suggest that there should be an advertising campaign about what the rules are as they relate to cyclists and a sharing the road thing.

But it should also be promoted that cycling is becoming more and more popular. Every cyclist out there is someone's son, someone's daughter, probably someone's parent as well. While I do agree with some sort of campaign as to the effects of what careless driving, aggressive driving, or whatever it is towards cyclists, can do and how these things can wreck people's lives, I sort of see the point that we do not really want it to harm cycle rates. But I think there is a way to do that. I think that if we look at

the way that other legislatures outside Canberra and maybe outside Australia have dealt with the issue, we can come on to something that is a winner.

Also, when the *Canberra Times* publishes stuff about cycling, I think they often have a very skewed view. It is like they want to generate something. The piece about six months ago about the speed cameras sort of tried to paint cyclists as all going at 57 kilometres per hour an hour along Northbourne Avenue and things like that. It was making us out to be really reckless, whereas you would not be able to go that fast for very long unless it is generally down a hill. If people were going fast, especially along there, it would be a minority. Yes, it was just painting us as reckless.

They need to present a more balanced argument. I guess they have got nothing to do with the legislation or anything like that, but I think they have got a fair bit of responsibility as to how they report things and the consequences of the stuff that they report.

Yes, I strongly support the one metre gap legislation and some more signs—for example, “Share the road.” Maybe speak to the cycling groups around the place, because there are some pretty big cycling groups. On the roads that are commonly used by cyclists, maybe there should be caution signs, “Caution, cyclists use this road.”

That would at least alert motorists to the fact that they could come across a cycle bunch. Also we are quite happy to participate in some sort of a think tank with people about trying to work out which cycling routes are the most safe, especially for the bigger bunches around town. Yes, there is a lot of other stuff in my submission. I do not really want to totally rehash it, but I am happy for questions.

THE CHAIR: Thank you, Mr Rolfe. Questions, members?

DR BOURKE: I will defer to Mr Coe.

MR COE: I know you did not really touch on this because other witnesses did, but with regard to the minority of people that are causing particular risk to cyclists through their aggressive behaviour, how does an advertising campaign actually target those people? Surely the vast majority of people are actually already doing the right thing. Therefore, for the minority of delinquents that are being aggressive, I think there is a fair chance that they know they are being delinquent. Therefore, they may well continue to do so.

Mr Rolfe: Yes.

MR COE: In trying to hone a solution to the actual problem, what strategies do you think would work to target such people?

Mr Rolfe: Maybe something akin to speed cameras. Maybe you could have signs up and have cameras to monitor responsible driver behaviour. If people think they are going to get caught and the penalties are sufficient, then perhaps that might be some sort of a deterrent. The advertising campaign is really only going to basically increase awareness and probably going to strike more of a chord with those people who are careless, because there are a lot of people who will accidentally hit a cyclist through just not having cycle eyes, and they are quite shaken by it, even if they have not hurt

the rider.

I guess, yes, a lot of that sort of stuff is not going to target those real outlaws. But maybe, along with harsh penalties, having the cameras to monitor responsible driver behaviour, I guess. I know that is quite an expense or have police regularly patrolling roads that are commonly used by cyclists.

DR BOURKE: What about helmet-mounted cameras for cyclists?

Mr Rolfe: Helmet-mounted cameras?

DR BOURKE: They are available. Are people using them to record this kind of behaviour?

Mr Rolfe: Some people are. More and more people are. I have never really thought about using one in a bunch. I do not know much about them—how long the battery life is. These things happen really quickly. You can be just riding along and all of a sudden it happens. For example, a few months ago I was riding along on my own on a country road. A car was turning right and I was not suspecting anything. On my 100 kilometre ride I probably would not have had the thing on.

I was thinking, “This car is leaving a lot of time for me to give way before it turns right in front of me.” Then it waited till I had about five metres and it went in front of me. The driver laughed, stuck the fingers up and all that sort of thing. I was not on the alert for that. But in respect of the cameras, yes, it is a shame that we have to do that but, yes, the technology is there.

MR WALL: Mr Rolfe, you mentioned that you are involved with the Bilbys Triathlon Club; so not only would you be dealing with cyclists but also with pedestrians or runners?

Mr Rolfe: Yes.

MR WALL: Do you find that there is a difference in attitude or perception when there are pedestrians or runners on the road compared to cyclists?

Mr Rolfe: I do not really know. We try not to run on the road. There are plenty of great places to be able to run around Canberra. I really do not know about that because we mainly do most of our running off the road, yes.

THE CHAIR: There being no further questions, thank you, Mr Rolfe, for your time and your submission today. The submission will go up on the website. We will send you a copy of the transcript in case there are any grammatical or typographical errors that need to be fixed.

Mr Rolfe: Sure.

THE CHAIR: That means the hearing is now adjourned.

The committee adjourned at 11.53 am.