



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)
DR C BOURKE
MR A WALL**

TRANSCRIPT OF EVIDENCE

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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 1.14 pm.

HOCKRIDGE, MR MARTIN, President, Law Society of the ACT

BLUMER, MS NOOR, immediate past President, Law Society of the ACT

THE CHAIR: Good afternoon everybody, and welcome to this public hearing of the Standing Committee on Planning, Environment and Territory and Municipal Services for its inquiry into vulnerable road users. On behalf of the committee, I would like to welcome Mr Martin Hockridge and Ms Noor Blumer from the ACT Law Society. 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, on the pink card. Could you please confirm for the record that you understand the privilege implications of the statement?

Mr Hockridge: Yes.

Ms Blumer: I do.

THE CHAIR: Thank you. I remind witnesses that the proceedings are being recorded by Hansard for transcription purposes and are being webstreamed and broadcast live. The committee has your submission. Would you like to make an opening statement?

Mr Hockridge: Yes, I would. In regard to the overarching aim and ambit of our submission, the Law Society of the ACT is the peak professional association that supports and represents the interests of members of the legal profession in the ACT. The role of the society is to maintain professional standards and ethics as well as provide public comment, as we are doing now, and promote discussion regarding law reform issues affecting the legal profession. Our society has over 1,900 members.

In regard to this inquiry, the society is committed to working with others to reduce the number of accidents in the territory, particularly through preventive measures. While the primary focus should be upon implementing strategies to prevent injuries to vulnerable road users, it is also vital that there are effective regulatory systems in place to help those who unfortunately are injured on the road to get back to health.

In other submissions, in particular that of the Amy Gillett Foundation, we note that there is a focus, quite properly, on prevention of harm rather than on cleaning up the mess afterwards. But as a representative of the Law Society, the members of my society who are solicitors are predominantly involved at the time after there has been an accident, and that is consequently why the focus of our submission is where it is.

With respect to key issues, on infrastructure, the society suggests, of course, that efforts should be directed towards improving the infrastructure in place in a proactive manner to protect vulnerable road users. For example, the society suggests that there could be consideration given to more dedicated cycle paths, stop boxes and other means of protecting vulnerable road users.

In regard to a reference group, the committee would have seen in our submission, in paragraphs 15 to 18, that we suggested a reference group. These paragraphs refer to a consultative/advisory committee consisting of key stakeholders to look at improving

road safety and regulation. Such a consultative committee would develop on the recommendation of the public accounts committee set out in our submission at paragraph 16.

The society suggests that this consultative committee would adopt a holistic approach to looking at road safety regulation and legislation, and also practical considerations in implementing new road measures. This would include such practical measures as considering where new bike paths should be, or if traffic lights should be introduced. The committee would be involved from the earliest point of decision making and would be representative of the ACT community. The society is aware that other consultative committees operate within the public service with a similar capacity, and the society would be keen to see such a committee established.

There are some issues in other submissions that I will mention fairly briefly. First of all, on insurance—whether cyclists should have compulsory insurance—the society does not support the introduction of compulsory third-party insurance for cyclists, and notes that the compulsory third-party scheme for motorists attaches to the vehicle, not to the driver. So we imagine that there would be some very huge administrative obstacles to overcome to introduce an insurance scheme for bike riders and other vulnerable road users.

It is the experience of the society and its members that cyclists and other vulnerable road users are commonly not the party who are at fault in the event of an accident involving a motor vehicle. In the majority of cases a motor vehicle is at fault, and in such circumstances the vehicle's compulsory third-party insurance is there and provides compensation for injury.

The society also notes that cyclists can currently purchase third-party insurance themselves. As has been indicated to this committee, several cycling organisations do provide insurance cover for their members. The society is also concerned that compulsory insurance requirements for cyclists may deter people from riding, and in particular children and young cyclists. So the society is of the view that the downside of compulsory insurance for cyclists outweighs the benefits, given the current CTP scheme for vehicles and the existing mechanisms for cyclists to self-insure.

We have also noted that there has been an issue raised around strict liability reforms, if I could put it in that context—mainly strict liability for fault of heavier vehicles. The introduction of a strict liability regime or a rebuttable presumption of fault does, we think, require some fairly careful consideration. At the heart of the issue is making sure that we retain a system that has a fair and equitable outcome. If such a scheme were to be considered by the ACT Legislative Assembly, the society would urge it to engage with us. We have committees that are heavily involved in this sort of work, and would be able to bring practical experience, we think, to any input around whether such reforms should be introduced.

If there were any rebuttable presumption, or certainly if there were any strict liability reforms, we think there needs to be a very narrow focus. Having said that, the society suggests that something similar to the current presumption of contributory negligence placed upon intoxicated persons and those not wearing seatbelts pursuant to sections 95, 96 and 97 of the Civil Law (Wrongs) Act 2002 could be used as some basis of this

sort of scheme.

In regard to education, of course the society, like other people making submissions, supports better education for all road users, to protect those who are most vulnerable. Coupled with that, the society would like to see better information campaigns about changes made to speed limits in congested areas, the introduction of new cycle paths, the introduction of stop boxes and other related issues.

The society is concerned that the introduction of cycle paths in busy areas can have a significant impact on all road users, and we would like to see better proactive information campaigns on all issues to forewarn all road users, including the vulnerable, about the introduction of such changes and their likely impact.

In conclusion, the society is committed to improving road safety for all road users, particularly those most vulnerable. Unfortunately, as I have already said, members of our society tend to be most directly involved in road safety upon the occurrence of an accident, so we come at it perhaps from the back end in some respects. However, the society would like to see a more proactive approach taken to protect those who are most vulnerable, and suggest that it could be achieved by establishing a consultative/advisory group of key stakeholders to advise on road safety education and reform, which includes practical considerations, and more publicised and proactive road safety campaigns, particularly in respect of any road measures to be introduced.

THE CHAIR: Thank you very much, Mr Hockridge. In relation to your statement, you said that in the majority of cases of motor vehicle collisions involving a motor vehicle operator and a vulnerable road user represented by members of your society the operator is generally at fault. Do you have any idea of the ratio of at fault to not?

Mr Hockridge: I will defer to Noor.

Ms Blumer: I am here because this is my area of practice, apart from anything else. Generally speaking, I asked my office today if they could recall any other instances where the vehicle was not at fault, and we could not particularly. However, we have instances where there was contributory negligence by the bikes, and certainly there have been cases where there has been a denial of liability at some stages for various reasons.

Generally, at the end of the day, it is usually at least half the responsibility of the motor vehicle. There have been very few cases on it. With respect to some of the accidents, for instance, opening doors into the path of a bike rider is a common one, and slipways—just plain running them over.

THE CHAIR: In relation to the contributory issue by cyclists, can you give us any examples of where cyclists have contributed to the collision?

Ms Blumer: There was a case we ran a few years ago where the cyclist had been riding on the left-hand side of the road. There was a set of traffic lights and the cyclist pulled up to the left of the traffic at the lights. The driver was letting her son hop out of the car to go to school, so it was on that side of the road that the door opened. But

apparently the most common is when it is the actual road side—the driver is getting out of the car and does not look for a cyclist properly. So that is an example.

With respect to other examples, it might be at night, when the rider, for instance, does not have any lights on their bike. Also, if they are not wearing a helmet or something like that then the claim can be disputed, or even if there is an allegation of intoxication. So all of those things can occur for bike riders as well.

THE CHAIR: Can I ask the same question in relation to pedestrians?

Ms Blumer: Yes, certainly, and the same applies. There are times when pedestrians are partially at fault and there is contributory negligence. Mostly there is not. For instance, I know of one on Northbourne Avenue where there was a dispute because they said it was at night, and there is always a dispute as to what pedestrian light is showing. There are road rules that say that a turning vehicle should give way to a pedestrian crossing a side road, but I am afraid that is more honoured in the breach. In fact I think there is a lot of confusion between cars and pedestrians at those kinds of crossings as to who has right of way. If you have a green arrow or a green light but there is somebody crossing, you must know to give way to them.

DR BOURKE: On page 3, paragraph 5 talks about no-fault insurance schemes. How do you believe a no-fault insurance scheme endangers vulnerable road users, which is the statement there?

Ms Blumer: Sorry, I will just find it. With a no-fault insurance scheme you have only got the one pot. With vulnerable road users, as we have just been discussing, they are almost, apart from those exceptional circumstances, always never at fault. So any no-fault scheme would much lessen the pot to the detriment of vulnerable road users.

The other thing that would affect a lot of vulnerable road users is that they are also vulnerable economically, which is why they are vulnerable road users in the first place. A lot of people cannot afford a car, cannot afford the registration. So they ride a bike, they walk, they get public transport or they take a motorcycle. Those are the people that benefit less in many ways from no-fault schemes, because simply they are not going to be accessing the larger amount in any event. So just from an actuarial point of view, vulnerable road users are going to suffer more from a no-fault scheme because they are getting the best benefit out of the fault scheme at the moment.

The people that will benefit from a no-fault scheme are drunk drivers or bad drivers or negligent drivers. That is whom you will get in those.

DR BOURKE: You mentioned before that not wearing a helmet could be part of a cyclist's contribution to causing an accident. How would that happen?

Ms Blumer: There are issues about mitigating loss. For instance, I had one cyclist case where the cyclist was not wearing a helmet, and the insurer argued that they had contributed to their own injuries by failing to wear a helmet. So it becomes a contributory negligence issue, and that reduces what they would be entitled to. In that case, we were able to argue that that did not apply because in fact this person would have got the injuries that he had even if he had been wearing a helmet anyway,

because they did not involve that aspect of the head. But if he did have a head injury and he had not been wearing a helmet, at law that could be taken into account.

DR BOURKE: I would like to turn to the discussion about strict liability, if I could. That was a submission that was made to us by Pedal Power. They are talking about strict civil liability, not criminal liability. You might take us through those two things to start with and what precisely strict liability means.

Mr Hockridge: Strict liability means that if a fact is established, then it will be taken to have proved the element required. Does that make sense? A strict liability situation, where it is said that a heavier vehicle is responsible for an accident, means that it speaks for itself once you establish the fact—which is the heavier vehicle and which is not. Certainly in the criminal jurisdiction, strict liability is something that we oppose, because it takes away the need for the tribunal or the court to inquire about what is going on in the mind of the person, because it is the case that the thing speaks for itself.

In this context, we would like the opportunity to think more about it and to take it to our committees, but something more in the line of a cascading rebuttable presumption may be appropriate rather than absolute strict liability.

DR BOURKE: Could you elaborate on what you mean by that, please?

Mr Hockridge: It then still allows the circumstances to be individually examined by the tribunal or whoever is making the decision. Whilst the starting point is that the car is responsible over the cyclist, if there are particular circumstances in that individual case that should be taken into account it means that that initial presumption can be rebutted. So there is still that element of fairness, depending on the facts of the case and the way the matter is presented and heard.

In terms of the cascading rebuttable presumption, then maybe there is somewhere that you can draw the line. It could be the situation, if there is an accident between a truck and a car for example, the initial presumption is that the truck is responsible. If there is an accident between a car and a bike, the car would be responsible. But because it is rebuttable, if evidence can be produced by the other party that establishes that there were particular circumstances that contributed, then that presumption could be rebutted.

DR BOURKE: How would a strict liability be advantageous to ACT vulnerable road users, given that we have heard that it is very difficult to actually think of a case when a vulnerable road user has been liable?

Ms Blumer: Can I just say that, in fairness—and I know there are people from the NRMA here today, and many of the cases have involved them—there are times when, surprise, surprise, in a pushbike accident the NRMA or any other insurer will deny liability. And that can lead to all sorts of difficulties for the injured person. For instance, they probably will not get their treatment paid for and their rehabilitation.

So there are some real difficulties there. I think the real benefit, if there is one—and bear in mind that it is not necessarily something we would condone generally—is that

it would have the effect that I think the insurers, once there was an accident with a vulnerable road user, let us say between a bike and a car, they would be more inclined to accept liability at that point because it would then be more likely to be an issue of contributory negligence, rather than them fighting it to the end and then having to go through the court process.

So it gives the courts, which are at the end of the day what we are looking at, an idea that there is that presumption, and then they work back from there. It is why we do not want it in a criminal case, because we have the presumption of innocence, and it is a bit like that except in a civil case it would be an advantage, I think, to the vulnerable road users. It would be a disadvantage to motorists, quite frankly, but overall I think it would not be grossly unfair. It would be something that would just have to be designed very carefully.

DR BOURKE: Given the level of risk in the relationship of contact, you would have to say the advantages are all with the car at the moment, would you not?

Ms Blumer: You may well say that. I would certainly agree, personally.

MR COE: Firstly, just for the record, the guests we have today are NRMA Motoring & Services, as opposed to the insurance arm of the NRMA, which is IAG. So I think it is—

Ms Blumer: All right, certainly, to be fair. Sorry about that.

MR COE: I know the NRMA are really keen to differentiate between the insurance arm which is IAG—

Ms Blumer: They do a lot of good work, yes, that is right.

MR COE: With regard to contributory negligence or responsibility, what responsibility or liability has either of you seen that really does rest with the territory by way of road design? How many instances have you come across whereby perhaps technically a driver is at fault but really the road design did not put everyone's best interests—

Ms Blumer: There have been some very good cases on that. They are not common. They are not common cases. I cannot think of one in the ACT particularly, but I certainly know of ones in other jurisdictions that are brought against the authority, for instance the roads department or the government or whatever, because of a defect in the road. That is all fine and well, but in the ACT it is more difficult to bring a claim like that because in the Civil Law (Wrongs) Act statutory bodies such as the government, particularly when it comes to roads, are given so much protection from prosecution that it is very difficult to actually bring a successful claim against the territory for the fault in a road.

It can be done, and it has been done, I am sure. I just cannot give an example right now. But certainly the Civil Law (Wrongs) Act makes it very difficult for such a claim to succeed.

MR COE: In your opinion, is that something that is worth the committee investigating?

Ms Blumer: Certainly. It will be fought out in the courts, but the territory has got to remember that it is its own law that is stopping vulnerable road users or even motorists using that as much as they probably should be able to.

MR COE: To your knowledge, can you recall cases where a motorist's defence has in fact been that the cycle lane was dangerous or that the parking spot did not actually give way to—

Ms Blumer: Yes, there certainly are. I have seen lots of cases where there is concern about the cycleway being unsafe, being slippery when wet because it is made of wood. Another example I can think of off the top of my head is an allegation where in a building area, there was a lot of sand that was allowed to go onto the road, thereby causing a motorcyclist to skid. Those kinds of claims are out there, and they are being brought. But as I said, they are more difficult to bring because of the statutory protection afforded by the act.

But let me say, in the same circumstance that protection is not there for private companies and individuals. It only protects statutory authorities. For instance, if a building company allows a lot of dirt and debris onto the road, and a cyclist or a motorcyclist slips on it, then they are not as protected as the government is in that particular situation.

MR COE: There is a delineation once the asset acceptance has taken place by the government? Say there are construction works on a road, the contractor, I imagine, is liable?

Ms Blumer: There are usually quite a few people who are potentially liable, yes. As you say, the contractor possibly is. There have been cases where there has been a spillage on the road by a truck. There are potentially quite a few, the developer, the overall developer. It can be quite complex.

MR COE: Going back to the circumstances that you mentioned earlier such as a timber crossing, timber bridge or sand on the road or something like that, they are presumably single-vehicle, whether it is a motorised vehicle or motorbike or—

Ms Blumer: That is right, they are single—

MR COE: What about in terms of a collision? Where a collision has taken place, can you recall any instance where the motorist has actually said the whole engineering of the road in effect led to that collision taking place?

Ms Blumer: I have heard just about every excuse. I am sure that is amongst them from time to time. Certainly we do hear about it. "It is a black spot." We have all talked about black spots, yes.

MR COE: A particular location that springs to my mind is just here on Northbourne Avenue, at the intersection of London Circuit. You have got three lanes going straight

ahead. You have got a cycle lane. Then you have got a lane turning left onto London Circuit. In amongst that you have got a bus stop as well. Should an accident occur there, is it reasonable for somebody's defence to be that it was almost unavoidable, given the amount of activity that is taking place?

Ms Blumer: I would have thought from a criminal point of view, yes. From a civil point of view, yes, but as a defence—let me think—you are supposed to, as a driver or a user of the road, be aware of the particular circumstances. It certainly will make it more confusing. But I think the attitude of the courts generally is that the driver is responsible for keeping a proper lookout.

For instance, if it is a case where the line markings have all gone black and are worn out or there are issues like that, they can be raised in your defence. But they are not going to then make the vulnerable road user responsible. So it just goes nowhere, because they are still going to be found probably, in a civil case, wholly liable, notwithstanding that there were environmental factors and construction factors making it more difficult.

MR WALL: In paragraph 23 you have made a number of recommendations on improvements in accessibility of information that could be made. In point ii, you state that further information should be made available on the legal rights and responsibility of all road users. What aspects do you think should be made more readily available, and in what ways do you believe that could be done?

Mr Hockridge: It could be a general education process. I think, particularly for vulnerable road users, that it is important they understand what rights they have if they are involved in an accident. The simple answer is to tell them to go and talk to a lawyer, and of course we would support that, but it may well be the case that it would be better for the vulnerable road users, and road users generally, to be educated about what can happen in the circumstances of an accident.

Ms Blumer: The kind of accidents we often see, for instance, are accidents on pedestrian crossings. People are still running people over at pedestrian crossings, and pedestrians are still not looking properly and making sure they have made eye contact before they cross the road. That is a very simple example. As I mentioned before, honoured in the breach is the fact that a vehicle turning right has to give way to any pedestrian in the road. That does not happen. Another example is cyclists riding across pedestrian crossings. We have all seen it and got the shock of our lives, and they are supposed to get off. That is something else that is more honoured in the breach. So there are a lot of things commonly happening on our roads here that should not be. It suggests to me that a very good campaign by the government, the road users or whoever would really assist that. We have seen that with the Amy Gillett Foundation talking about distance from cyclists and those sorts of things. You could do that.

DR BOURKE: How would you dismount from a recumbent tricycle at a pedestrian crossing and take it across the road?

Ms Blumer: I have no idea. I have never been on one. But I must say that, funnily enough, I have never had a claim for an accident involving one yet.

DR BOURKE: On page 6, paragraph 20, you say that you believe the previous scheme of a single compulsory third-party insurer limited the available statistics on accidents. Has this situation improved?

Ms Blumer: Thank you; that is a very good question. My understanding is that it might have become even more sensitive, and that seems to be the information I am getting, because now commercial market share and so forth are involved. The Law Society remains committed to trying to get these sorts of figures from the insurers and from the government. We have brought FOI applications. We have asked. We have sent letters. We have done nearly everything we can think of, and we have not been able to get hold of that data. So we would love to have it, but at this stage it has not been more forthcoming, and indications to date are that the introduction to the market of more insurers may not actually assist the situation but may actually make it worse.

DR BOURKE: You mentioned before, talking about road design in response to Mr Coe, that a range of excuses or allegations have been made. Were any of those proven?

Ms Blumer: Some of them, yes. You know what it is like; you have an accident and you will think up all sorts of reasons why it was not your fault. Some of those are correct and some of those are not correct. For instance, the classic is: “I didn’t see him coming. I looked, but I did not see him coming.” The fact was the car was there, and the fact was you did not look properly. So there are always those shades. Allegations are made; some are proved and some are not, but most never get to court. I think we all have a pretty good understanding that some reasons come through and others do not.

DR BOURKE: I meant specifically about road design.

Ms Blumer: About road design?

DR BOURKE: Proven.

Ms Blumer: Yes, there are proven cases on road design.

DR BOURKE: In the ACT?

Ms Blumer: I said before that I am not aware of any particular cases in the ACT but I think there are cases that have been in the ACT; I just cannot recall them now. I am aware of cases in the larger states that have been proved. I believe there are some here but I cannot swear to that at the moment.

MR COE: Going back to the thread that you just touched on with regard to statistics and what information is available, page 6 of your submission discusses evidence and statistics. Paragraph 19 states:

The Society suggests that it is imperative that before any statutory reforms are introduced ... qualitative statistical analysis should be provided ...

What gaps do you see in the statistics which are currently available, and how would the publishing of those statistics help in the administration of justice?

Ms Blumer: There are actuarial studies that are done, and some people are given access to information, but we do not know what that is. It is very important. If you look at that sentence, or that paragraph, that is if there is going to be any statutory reform. For instance, if you were going to, as the government has looked at in the past, try and reform the third-party insurance scheme for vehicles, that is something you would need to look very carefully at—who that was going to affect and in what way. My view of it, anecdotally and from our own practice, is that it would particularly badly affect those that are not income earning, vulnerable road users, those sorts of people. But it is difficult for us to make those arguments when we do not have access to the figures.

MR COE: More broadly, in terms of accident data in general, do you have access to any information, and are you actually able to lean upon that information in some of your cases?

Ms Blumer: Yes, we can. We have our own information within the various law firms. I think we have made an offer in our submission that we would be very happy to assist the government in doing what we could to pull out what information we have. Ours would be much the same as what the insurance companies have, however. I have noticed there are different statistics from the police. Police keep statistics on accidents. The hospital keeps statistics on accidents. So there is a whole range of people that are keeping statistics, including, presumably, the RTA, but they are not, as far as I am aware, in a very cohesive and understandable place at the moment.

THE CHAIR: Ms Blumer, are you suggesting that you have perhaps statistics that are different from reportable accidents that ACT Policing produce?

Ms Blumer: These days it would not be so different, because there is a requirement to report an accident. But we would have information about accidents that are not reported to police.

THE CHAIR: Unreported.

Ms Blumer: Unreported. In there it was saying that the hospital data shows that a lot of, for instance, cyclist accidents are single vehicle, whereas the police statistics show that in 94 or 98 per cent of accidents between a car and a bike the car is at fault. So you are getting different types of statistics.

MR COE: Are you aware of any jurisdictions that do collate data more effectively?

Ms Blumer: No, I could not say now. I could find out.

MR COE: So there are no standouts, from what you understand from your colleagues interstate?

Ms Blumer: No.

DR BOURKE: We had a bit of a discussion before about strict liability. You suggested, Mr Hockridge, that there is another way to achieve that objective without actually having strict liability. Would the Law Society be able to give us a supplementary paper on that so that we can incorporate that into our considerations?

Mr Hockridge: In regard to cascading rebuttable presumptions?

DR BOURKE: Yes.

Mr Hockridge: I am certainly happy to prepare something. I do not want it to be seen as a suggestion directly from the Law Society that this should be introduced. But we thought about these options when we saw the earlier papers and strict liability was raised, and we have given some thought to it. So yes, I can take on board doing a response to that question.

DR BOURKE: That would be great, thank you.

THE CHAIR: Thank you, Mr Hockridge and Ms Blumer, for your time here this afternoon. The secretary will send you a copy of the transcript in the next few days so that you can check it for any errors. We will take a very short break until 2 pm.

Short suspension.

CHALMERS, MR ERIC, President, ACT Chapter, Australasian College of Road Safety

McINTOSH, MR JOHN LAUHLAN, President, Australasian College of Road Safety

THE CHAIR: The committee now welcomes our next witnesses, Mr Eric Chalmers and Mr Lauchlan McIntosh, from the Australian College of Road Safety. Before we begin, can 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 Chalmers: Yes.

Mr McIntosh: Yes, I do.

THE CHAIR: Thank you very much. The committee has your submission. Would you like to make an opening statement?

Mr Chalmers: Yes, I would like to, if I could, thank you. The college has a membership covering a broad range of experts from across the full range of road safety, including road safety professionals and researchers, public servants and interested members of the public. We promote a rich collaborative environment for communication, networking, professionalism and advocacy.

The aim of the college's paper was to provide a broad range of material for the committee on this issue for review, as well as a range of perspectives. I note that there have been a variety of submissions to the committee on the issue of cycling and cyclists. We would like to concentrate our introductory comments today on the other three main groups of vulnerable people: children, the elderly and motorcyclists. We also need, I think, to add the other less visible but also very vulnerable groups that are there, such as non-English speaking people from different cultures, low socioeconomic groups who often have much less access to the support that we take for granted, and people with disabilities.

In the case of motorcyclists, there is a new paper funded by the NRMA ACT Road Safety Trust by Dr Mike Bambach of the Transport and Road Safety Research New South Wales. This paper specifically looks at reducing motorcycle trauma in the ACT. I have just been informed that it has actually been passed on to the secretariat I think in the last day or so. It is a very good paper that helps us understand where some of the motorcycle crashes occur and what the research group think we might be able to do about that.

The size of the issues, the high severe injury rates and the increasing risk, especially amongst older riders, creates a major issue for the community. Older road users are an important and growing issue in a number of areas. These include as drivers, passengers, pedestrians and, more recently, as users of motorised mobility devices. With the ageing population, the complexity and scope of issues involved are also likely to increase.

Kaarin Anstey has undertaken a number of projects for the NRMA ACT Road Safety Trust that have reports on their website. I am sure she would also provide further input as needed on this important issue.

We also find that many of the issues with the older and youngest road user groups overlap. Things such as low-speed run-overs cause deaths amongst children but many more in number quite serious injuries to the elderly as well. Both groups have not dissimilar issues when walking as pedestrians, such as lower capacity to move out of danger quickly, different response times and structures, issues with judgement of speed of vehicles, as well as major differences between the groups. These groups are also less able to advocate for themselves.

One of the current drives of government across Australia is to reduce obesity and increase the level of physical activity for children. Kidsafe, who I am also chief executive of here, and a number of other organisations are currently involved in working with the early childhood sector and schools to improve this. But as a leading researcher, Soames Job, recently stated in his review of the NRMA ACT Road Safety Trust's work, "Encouraging cycling and walking to schools also brings with it the need to closely consider and address the increased road safety risks involved." Dealing with these risks is the focus of a lot of Kidsafe's continuing work in the area with schools.

A wide variety of organisations already have many links in place, and there is a need to carefully plan and integrate our collective efforts to improve road safety. Silos are not helpful. In Kidsafe's case, as an example, we already have direct contact with some 30,000 ACT families a year, mostly related to road safety and to children. We have seen a marked reduction in injuries and, in the best indicator, a lower level of misuse of car restraints. The report I mentioned by Soames Job looks at the cost-effectiveness of the trust's input into this work.

To us, the focus needs to be on really four areas: better data and evidence on the causes and potential solutions, improved integration, which is the driver behind the College of Road Safety's series of seminars we are running at the moment, sustained funding for the key interventions—and international best practice shows the benefit of this—and, fourthly, collaboration, which includes focusing research on practical issues, turning research into practice, monitoring progress and adjusting solutions as needed and strong collaboration and effective partnership.

I think Kidsafe's work in the car restraint area of child safety on the roads illustrates how these steps can and do work. The college would like to add our strong support for the current work by the ACT government on building a practical road safety action plan through the active involvement of the community and users. We have also agreed with the directorate to hold a seminar on this issue of vulnerable road users once the committee's findings are public. The aim is to help concentrate and coordinate our community's efforts in addressing the key outcomes.

THE CHAIR: Thank you, Mr Chalmers. If I could just go to your submission. On page 2 of the submission you have got, underneath "National perspective", the 2012 statistical summary. The last dot point there talks about, per registered vehicle, the rate over the decade for vehicle deaths has decreased in the ACT by 43.7 per cent.

You mention also that the rate of motorcycle deaths still remains quite high. It is something like four times, is it?

Mr Chalmers: Five times the rate, yes.

THE CHAIR: Are there any particular things that you have seen in your research that indicate the reasons for death? Obviously there is not as much protection of a motorcyclist, but are there other things that we should be thinking about?

Mr Chalmers: If you go to this report I mentioned, which you have not seen yet, I am sure—it has only just landed on the secretariat's desk—you will see the research group actually looked at motorcycle injuries over the last 10 years. Yes, you do have a copy of it there. Under the executive summary, it lists some of the areas where the evidence shows some of those differences lie. If you take the third dot point on page 5, the number of injured motorcyclists per year has increased around two times in this period, roughly in line with the increase in motorcycle registrations. However, this increase is nearly six times for motorcyclists aged 46 years and over. I think that is reconfirming that we are seeing a change in the mix of cyclists. Older riders also experience more severe injury outcomes and longer stays in hospital. I think this is a thing that we have been seeing round Australia, isn't it?

Mr McIntosh: Yes, I think that is right.

THE CHAIR: Do you think these older riders are re-entering the place for motorcycles, I guess—

Mr Chalmers: The way I would describe it is people like me who might have ridden a very low-powered motorbike when they were 20 now have the money to buy a big high-powered bike, and some of us get on it and off we go. We do not have the reflexes we had and we have not got the experience that we have missed out on all those years, but it is such a great feeling to get back on a motorbike.

THE CHAIR: Thank you very much. Members?

DR BOURKE: Thank you, chair. Mr Chalmers, I notice on page 6 of your analysis of ACT cycle accidents that half the accidents on roads occur at lights, give-way signs or pedestrian crossings. What conclusions can you draw from that?

Mr Chalmers: Again, one of the recommendations from this study is suggesting that we need to have education campaigns to reduce both risky riding amongst motorcyclists and also look at how cars interact with motorcycles and vulnerable riders around intersections.

I think we have all seen examples where a motorbike rider might think that because they can squeeze between two cars it is okay to do it and to somehow get in front of them, just as car riders sometimes think, "Well, no one has that right to do that." I think part of this is the education of people in how we can better share the road. We see similar sorts of issues with cyclists. One of the issues with pedestrians, especially very young pedestrians and older, as I mentioned earlier, is that their perception of space and distance is not the same as the rest of us. We may as a car driver assume if

we can see the child the child will get out of the way, but they do not have the same perception as we have. At intersections and traffic lights you have a much more complicated situation because you have got multiple lines of traffic and multiple interactions of people.

DR BOURKE: Is it an issue of visibility of cyclists, perhaps, or cyclists expecting to be seen when they ride rather than dismount and walk across a crossing?

Mr Chalmers: It often is a mixture of things. Some of those behavioural issues are important because of this perception, as you said, that if I can see the other person, they can see me. That is why we are all encouraging motorcyclists to keep their lights on, because you have got a better chance of actually seeing the cyclist. Pushbike cyclists have less chance of being seen. A small child—if you are not really concentrating on the road, you have got quite a small chance of seeing them. At the other end, we assume that in a car it will be okay and we often are concentrating elsewhere.

Mr McIntosh: Perhaps an analogy is that you rarely see, should I say, a federal politician appear on television at a work site without a luminous jacket. Luminous jackets, or yellow jackets, are commonplace in the workforce today. For visitors, for workers or for constant security, it is really important. Yet we do not take that same message back to the road. We somehow think that a road is a road, it is not a workplace, it does not matter, but as soon as we go and cross into the factory floor, where there might be a forklift or some other vehicles or machinery operating, suddenly we don a yellow vest so we are going to be seen. If you get on an aircraft and you travel to a mining site across the country you will see fly-in fly-out workers wearing their yellow shirt proudly on the plane to and from work. When they go on the road, do they do that? When they ride their bicycle or they walk on the road, do they do that? Not often.

We have learned a lot in the workplace about being visible. We need to transfer that culture of being visible, or the thinking, to get people to think that it is useful—when you are on the road, and the road is just as dangerous, and probably more dangerous, than the workplace—to get people, as Eric says, to understand that they need to be seen, and it may mean you have to do something a little different to what we have been doing.

Mr Chalmers: At the other side of that, there is often a lot we can do in the design of the road system to minimise some of these risks to people. We have already seen a lot of work being done in some of the countries in Europe—and here as well—in looking at the design of intersections, the design of how people interact with cars and how pushbikes and pedestrians actually go across roads: these sorts of things. This is where we think the national road safety strategy of looking at the whole road system becomes very important. Part of it is how you design the roads themselves. Part of it is what we are doing to improve the design of motor vehicles, although motorbikes are not usually included in that group.

In particular, from my point of view, at the end with Kidsafe, it is looking at how we can educate both parents and children and all road users in how they can be more proactive in making the road safer for them in looking ahead. One of the big issues we

are seeing around the world is the increasing use of electronic media, which shuts pedestrians off from the road. We are seeing all over the world a marked increase in the level of injuries being incurred because people just do not take any notice of what is around them.

Mr McIntosh: There is an opportunity to separate traffic and people, if you can create the infrastructure. In a lot of major cities today it is not easy to cross the road because there is a barrier and you have to go down to the crossing, or you cannot walk off the footpath. There is a small barrier and it makes it difficult. Bit by bit, the cars are becoming smarter; the cars will recognise the pedestrians. There are already a lot of pedestrian alert devices in vehicles. That will not solve all the problems, but it will help.

You need to get people to understand this complexity of the environment. I do not think people should feel threatened or frightened about it. They will have to understand there are risks and act accordingly. But, equally, the owner of the infrastructure also has to understand they have to provide a safe place, just as they provide a safe working place. Company directors are expected to provide a safe working place. If someone is injured or hurt in the workplace, rarely any more do people say, “Well, the worker should have taken more care.” Now the thing is the manager or the owner of the company should have put in place some facilities.

From this perspective, trying to look at how the whole system works is a clear role for government as the owner of that infrastructure, and then getting other people to use it as a free good. They also have a responsibility, the companies who use the road and the people themselves. You have to get a new thinking going in the whole process. It is not just about blaming the vulnerable road user or blaming the non-vulnerable user. It is about all of us thinking about the total system, understanding the risks and doing what we can to mitigate those risks—either being more visible or putting in place the right infrastructure so that people understand. I am trying to think of the phrase. If people can understand what they see, they will react accordingly. Most people can jaywalk. Most people can run across the road. Most bicyclists can cut across the road. Car drivers can do U-turns. People get away with it, and so they build up a confidence level which is perhaps misplaced. But if you show them that they cannot cross the road because there is a white road barrier or they cannot cross here or they cannot do a U-turn there, then you reduce the risk; you make the environment safer.

Mr Chalmers: They will change behaviours.

Mr McIntosh: But you have to change the infrastructure. People understand the infrastructure; people understand that there is a risk in doing that. Or you put out much better white lines. There is a lot of work that can be done with very simple low-cost mechanisms to explain to people, and I guess that is the word I was thinking about. You need to have the infrastructure explaining to people what the risks are. Well-marked pedestrian crossings make a difference. People know that is where they are. If they are faded and they lose tracks, people say, “Oh well, no-one walks there.” If the lights are too slow to operate people say, “I’ll run across the road.” You have to have that system working for everybody.

Mr Chalmers: Perhaps to take that another step: the example that is important to us at

the moment is the debate about compulsory reversing cameras in vehicles to try and reduce the risk of low-speed run-overs. Cameras are fine, like pool fences are fine. All these things are fine, provided you are able to use it and you remember to use it—and in this case the child is standing behind the car waiting for you to see them.

With a lot of these things, we really do need to accept that the responsibility is on the individual as well. Part of that is to make sure, as Lauchlan said, that people really do understand what these risks are. As we keep saying to parents with young children and motor vehicles, if you are near a car, you grab hold of the child. You either hold their hand, you lift them up or you put them in the car; you put them somewhere safe.

The cameras or all these other things are an additional safety valve, but they do not replace the need for supervision. They do not replace the need for the person who drives the car to be careful and not drive the car if they are not fully aware, if they are too tired or intoxicated or anything like that. Somehow part of it is having enough of a program to not just make people aware that there is a problem but to help them to understand what they need to do about that. That is why I think Lauchlan's solution in having the infrastructure help you to realise what your decisions have to be helps you to go part of that way, not just on that piece of road but on the next piece of road as well.

MR COE: With regard to culture of road users, and in particular scooter operators, I think it is pretty much accepted practice that motorcyclists wear leathers or protective clothing, but for some reason there is no real culture amongst scooter operators to wear similar protective clothing. What strategies could we put in place to address that?

Mr Chalmers: Part of it is about helping people to understand the risks that they are taking. Part of it, we find, is that you almost have to make it cool to do it. We have been battling for years to try and encourage young children to put cycle helmets on their heads when they are on pushbikes, rollerblades or any of those things. We found this when we were trying to get children back into car restraints until the age of seven, whereas at four they were able to get out of the car restraint before.

A lot of it is about putting the parameters in place to help people understand the risks they are taking and what making this change will actually do to help them. Even with making people more visible, we do various things at Kidsafe. If we had the money, we would have every school child walking to school with a bright-coloured vest on, which in some countries they are getting closer to doing—and if the NRMA has got the money, we would like to help!

With a lot of these things, part of it is having the money to put the pieces of the jigsaw in front of people. It is about educating them regarding the risks that are involved, and giving them simple solutions and active support structures to help them to make those changes. It may be that you give them access to cheap equipment to do it. It may be that you make it easier for them to go and get it, especially if they are people who are less mobile than people normally are.

There is a whole variety of things where you think through how you get the message through, how you get the equipment to them and how you encourage them to use it.

With a lot of these things, the real turning point comes when you have the stick—the piece of regulation to support it. Often the regulation by itself will not encourage people really to do it; you need to have both ends of that together.

MR COE: Do you think there is merit in perhaps having speed restrictions on any types of vehicles, classes of vehicles or roads that are excluded to certain vehicles?

Mr McIntosh: It is very difficult to do it in one jurisdiction compared to another. It depends. You could take Segways, for instance, which are some sort of motorised machine gun—it will throw you off and do you in. Yet we somehow talk about wearing a helmet and special gear and then riding off into the sunset and running someone over on a footpath.

You could say that there are some vehicles which are not too smart. You could perhaps train everybody in some particular way to ride them but you are adding another vehicle into the fleet, if you like. You have to remember that on the road the fleet includes everything from a B-double truck to a big coach to a small scooter or bicycle, and everyone has to share that. It is very difficult.

If you start adding more motorised devices, you then have to decide: should we make people or should we encourage people to do more? I am also chairman of NCAP, the new car assessment program, and we have spent 20 years encouraging people to buy five-star cars—and they do. We have now got to a situation where a huge number of people, and certainly major companies and fleets, only buy five-star cars. That is not a regulation; it is because people can see why they should do that. It is not even cool, I do not think; it is just a thing you do.

In Australia, people use helmets on their bikes. It is okay to do it. If you do not want to spend time in hospital, you do it. Should you have good clothing while on motorcycles? A lot of motorcyclists do. Should you wear a lot of gear when you are riding your Segway? You should, but you have to realise it is a lot easier to fall off that than a motorcycle or a pushbike. As Eric says, the thing is for people to be aware of all the risks—not be frightened by them but at least recognise that there are risks when you travel at speeds that your body cannot handle. Your body can only withstand certain events, certain falls and certain impacts.

Formula 1 is a very good example. A couple of decades ago, or even a decade ago, someone died every year in a Formula 1 event. The fraternity decided that they would fix the track and fix the cars, and you can drive at very fast speeds in those cars at that speed. But you only go in one direction; there are no trucks, bicycles or pedestrians on the track at the same time. It is very restricted, so you have a very specific infrastructure and a very specific vehicle. On the road we do not have that, but we are getting some of those things together. You can actually build those things in, including protective clothing and better signage, and getting people to understand that this is the environment they are in.

THE CHAIR: Mr Chalmers raised something earlier in regard to preventive regulation. You talked about lights on motorcycles. That is now a regulation of the Australian design rules for new motorcycles coming out. Did you look at the change in motorcycle collisions after that legislation was in for a little while?

Mr McIntosh: It will be available through the stats but it takes a long time and there is a tail. There is a big fleet of motorcycles without the new regulations. As with cars, it takes a long time. We are seeing it with vehicle crashes since about 2008, when Australian manufacturers made five-star cars. We are seeing a big reduction in the death rate in cars. We need more information and more data to check the injury rate.

Mr Chalmers: Part of the problem that we find with injuries generally is getting enough high quality data about the actual event to make some better judgements about the impact of things like these changes. All too often, as any of us who have been to the emergency departments at the hospitals know, they do not really have a lot of time to interview you. That is why Kidsafe is looking at trying to bring in a system that is already in place in Austria, Israel and China. In our case, looking specifically at child injuries, we go in to paediatrics and interview the parents and the child to find out more about what actually happened in creating the incident.

If we take, for example, driveway run-overs, we know whether the child was hit by a car reversing or going forward. We generally know what sort of vehicle it was. We do not know whether they were running, stationary or how it actually occurred. To do something about a lot of these things we really need to understand more about the circumstances that sit behind the incident itself.

Mr McIntosh: Australia has had a very good record at reducing deaths in road crashes. It has plateaued a little but it is still coming down. It is very commendable. A lot of work has been done by a lot of people. Injuries are something we tend not to focus on, and yet it is really a key area. In this inquiry you will probably find that in the end it is difficult to know, because some people do not bother reporting an injury.

As we know in the workplace, in the same sort of situation, a near miss, for instance, is recorded in the workplace but never recorded on the road. A near miss may well be far more dangerous or far more likely to cause a significant incident than someone that actually slips over and breaks their arm. That is serious, but if you slip over and do not break your arm and do not go to hospital because of an event where someone missed you, did not see you or whatever, we do not have that data. We really need to find ways to get a better reporting of all the data and all the incidents that happen. I know the ACT has done some good work in that space. Trying to get it nationally is hard work. But it is important and it will make a difference. I think that is what our submission says: better data is always valuable.

Mr Chalmers: Especially in looking at causes of injuries and looking at how we can improve things, often it is these near misses that can tell us a lot more. If someone gets killed in a crash, we find out what sort of injuries killed them but we do not understand enough about why people got out of it, because often that can tell us things we can do. If we can transfer that on, we start to reduce the risk of serious injury. It is the serious injuries and deaths that we are really there to try and stop, not to stop people participating.

MR WALL: There have been, for a considerable number of years, consistent road safety campaigns and public awareness campaigns about some of the risks associated with driving or cycling on the road. Has there been any evidence or any research, or

does the college have an opinion on what some of the more effective methods are of communicating these messages?

Mr Chalmers: If you look at the history that Kidsafe has been able to build in car restraints in Canberra in the last 10 years, that is probably a good example. In fact I have a poster I presented in Perth last November. I will send a copy to you. It tries to describe the whole program that we have put together of supporting parents over 10 years, built around good, consistent funding from the ACT government, NRMA Insurance and the Road Safety Trust—very clear messages, quite a lot of different partners. We have now seen in the last couple of years quite a marked increase in the access that people have to the support, and quite a marked reduction in the level of misuse of car restraints, which is the key indicator for children.

We know in Australia, with the car restraint standards we have got, if they are in a properly fitted, properly used car restraint they are highly unlikely to be badly injured. That is one example that I happen to have, where I think there are good structures around. We have done a lot of work looking at best practice overseas through Kidsafe's involvement with Safe Kids Worldwide. I am sure there would be other people, even in this room, that have other programs. We have a lot of good examples. Part of our task, I think, is to do better at collecting those together, using the relationships and using the strengths that we have to then build some of those changes in behaviour further along the track.

Mr McIntosh: One of the important parts of the communication stories is to have them integrated with other similar activities, so that you are not just a stand-alone and it does not just come and go. Continuity is important. We at the college had a conference last year in Adelaide where we focused on this whole business of communicating road safety messages. Another analogy is that a primary school teacher has to teach third grade every year and tell them the same things. We have a new generation of people coming through every year, so you cannot just say, "Let's just have a campaign for one year or two years," because every year there is a new generation coming through. You have to stay with those messages.

I think I am right in saying that the Standing Council on Transport and Infrastructure has agreed, at its last meeting or the one before, to have a bigger exchange of communication on road safety programs across the country, so that Victoria does not have one, Queensland has another one and the ACT invents another one. There has been a lot of sharing. New Zealand has some good programs. At NCAP we have been using other people's programs and have shared them around.

At the college we believe it would be useful to have a national communication strategy within the national road safety strategy itself, so that we get the same message out. People here in Canberra see national television. They see national messages. If you just see it in Canberra, the person who drives in from Queensland or whatever suddenly sees a new message. There is some value in being separate and there is some value in a bit of competitive messaging, but there is also a lot of value in having a consistent message across the country. So if we talk to the whole community about these things rather than bits and pieces, we are going to be better off.

Mr Chalmers: Just to follow on from that, at Kidsafe one of the reasons why we did

a lot of work with a wide variety of other organisations like NAPCAN, post and antenatal depression people and all sorts of groups like that, is because a lot of the messages we are trying to get through to parents are about trying to help them change their behaviour in a whole variety of things—they do not just look for the child near the car when they are reversing. If they do that, you have got a better chance they will look for the child near the swimming pool, even if there is a pool fence. They will change the way they relate to the child.

Most adults who ride a motorbike or a pushbike also will have a licence. So if we can get through some of these messages to people who ride pushbikes or drive in cars, if we do it the right way around and connect them together, we have a much better chance of improving the way that people react to all of these things. That is why I mentioned earlier that we need to get better at trying to cut down some of the silos we all have, where we think, “I’ve got my issue and I’m not going to talk to anybody else.”

THE CHAIR: Or we think the other group might be to blame, perhaps.

Mr Chalmers: I suspect in all these things we all have a bit of blame.

THE CHAIR: Members, do you have any further questions? No. Thank you very much for coming along this afternoon. Over the next few days we will send you a transcript of this session so that you can look for any transcription errors.

ARUNDELL, MR LEON, Chair, Living Streets Canberra

THE CHAIR: Thanks very much for coming along this afternoon. Before we begin, can I remind you, as we do, of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement before you on the table. Can you please confirm for the record that you understand the implications of the statement?

Mr Arundell: Yes, I understand that.

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

Mr Arundell: I would, I think, because I have seen a lot of really good stuff in all the other submissions—stuff like lowering speeds, educating everybody. But I would like to ask you to put on a different set of blinkers. Some of you are possibly old enough, like me, to remember the Mr Walker and Mr Wheeler cartoon for Walt Disney's Goofy. As Mr Walker, Goofy, strolls along oblivious to almost everything, happy as, and completely passive and non-aggressive. Then he gets in his car and he becomes a raving monster.

What I would like you to do when you go out of here today is put on your car goggles and walk across the street. If you walk across the street thinking, "If I was driving, would I accept this?", you will see people driving cars that have dull colours that can hardly be seen. You will see drivers distracted by their radios.

You will get to a pedestrian crossing and you will stand there and it will not have detected you, and then you realise that, unlike when you are driving, you actually have to go and find a button and push it. So you push the button. The road clears. Nobody is allowed to drive past you on your side of the street. You can quite safely get to the median strip. But the pedestrian light stays red. That is because it is not safe to cross the other half. But you would be happy to cross halfway now and cross the other half later, but the system is just not designed for it.

You will see drivers who go past intersections at extremely high speeds, faster than Usain Bolt could manage, without even making eye contact with the other drivers. You will see drivers going through pedestrian crossings, as we heard from the ACT Law Society, where they have to give way to the pedestrians but they have not even made eye contact with the pedestrians. The Law Society saw that from using their car drivers' goggles.

When you put the same goggles on from the other perspective, it looks quite different. When you go outside and you are crossing the road, there is a 10-centimetre drop in the road and a 10-centimetre rise. Can you imagine driving over that? Would you accept that? That is something I would like you to think about.

In terms of goggles, I have looked at a lot of the submissions. If you read the submissions, you would think that most of the vulnerable road users are cyclists, a few of them are motorcyclists, and a very small number are pedestrians. If you look at NRMA Motoring & Services, you will find virtually nothing on pedestrians. The road safety trust has four lines for pedestrians, three pages for motorcyclists, and nine

pages for cyclists.

When you look at the figures on the front page of my submission, you will find that there are about 50,000 people on a daily basis who are vulnerable road users. Of those, about 9,000 are cyclists and about—what is it?—20,000 or 30,000 are pedestrians. Pedestrians are the biggest category of vulnerable road users by far. The cordon counts, which have not been published for the last two years, show that there are about 3½ times as many walking trips into and out of our town centres as there are cycling trips. So I think if we want to protect vulnerable road users and we want to make roads safer by getting more people off them, we should be focusing very much on pedestrians.

One point I forgot is that there is one group that is even less well represented than pedestrians, and that is child cyclists. Children make up more than 40 per cent of Canberra's cyclists. There is a particular road rule that discriminates against them. I have not looked through all of the submissions for what they say about child cyclists but Pedal Power, from memory, mentions schools once and that is about it. Child cyclists are important, and we should get more children to think that cycling is worth doing. There is about an 85 per cent dropout rate between child cycling and adult cycling. We could easily double the rate of cycling if we gave those children a good experience of cycling when they were young and they would think that is worth continuing with.

I think I have said too much now. It is time for you to ask some questions.

THE CHAIR: Thank you very much. I might just go to your comments about putting your car goggles on and ask you whether you have been able to have a look at the shared road area of the ANU in Childers Street where there has been treatment of the roadways which, I guess, entices cyclists, pedestrians and vehicles to interact at different speed rates but also at different angles, providing what seems to me to be a better amenity for pedestrians and cyclists.

Mr Arundell: When there were two squeeze points in that road, which meant that if two cars were coming in opposite directions one of them had to stop to let the other one through, it worked fairly well. Once those were removed, it did not really work. At one point I decided to test the drivers' adherence to the road rules. When it was a 10-kilometre per hour shared zone, which means it is legally the equivalent of a giant zebra crossing, cars must give way to pedestrians. So I just walked across the road the way I would expect to be able to walk across a pedestrian crossing. The cars did stop for me but they tooted at me. They just did not understand the rules that applied there.

It is the same when you are trying to cross a road at a corner. There is a car behind you, it comes from behind you, you are trying to cross the road, it will turn left straight into you because the driver will be looking to the right for other cars and does not even know that he or she is supposed to give way to pedestrians who are crossing the road. So you are up against the hard job when you are trying to walk from A to B.

DR BOURKE: You place great importance on suburbs being pedestrian friendly with children going to an in-suburb school and having viable local shops. Have you seen this implemented in the design of newer suburbs in Molonglo or Gungahlin?

Mr Arundell: I think that is the intention in those suburbs. It certainly was the intention in Downer, where I live now. Downer does not have a local school or shops anymore. My children have all had to go to the next suburb to go to school. They do not have a footpath or a cycle path to go on. If they want to ride their bikes, they have to ride on the road, at least till they find a footpath.

I have seen the other side of it. My wife has sprained her ankle quite badly twice because she did not have a footpath to walk on. The option was either walk on a fairly rough nature strip or walk on a road which might have debris on it.

DR BOURKE: Perhaps you could talk a little more around that dangerous stretch of footpaths.

Mr Arundell: It is very common in Canberra's streets when there is not a footpath for people to landscape or park cars—usually landscape—right across a nature strip. This means that if you are a kid trying to ride to school and you have got a BMX bike or a mountain bike that can cope with the grass, you have still got obstructions that force you out onto the road. If you are a pedestrian and you are forced out onto the road, you must by law walk in the direction facing the oncoming traffic. The oncoming traffic is not obliged by the road rules to give way to you. So you are put in a very dangerous position there.

MR COE: With regard to that shared zone that the chair referred to earlier, fundamentally are shared zones a good idea? Should we, by definition, be encouraging conflict between pedestrians, cyclists and motor vehicles, or is there a better way of managing that interaction?

Mr Arundell: I think shared zones can work. They have worked in other places. From memory, it works fairly well in Childers Street. There is a proposal for a shared zone in Bunda Street, which I hope will work well. We can put all these people together without encouraging them to be in conflict provided we explain the road rules to them.

There is a wonderful book by David Engwicht, who claims to be one of the two inventors of the walking school bus, called *Mental speed bumps*. His thesis is that if you want people to drive slowly and be aware that there are other people who might be rushing out on to the road or things like that, the best way to do is not by having a sign that says the speed limit is 10 kilometres an hour but by building a road in such a way that it is more interesting; it has a sand pit that goes half way across that you have to drive around and reminds you that kids might be there; and it has more trees—a road that gives you less visibility—so that when you look at that street you do not look at it like Bradfield Street in Downer, which is five lanes wide and looks like you could safely do 100 kilometres an hour on it; it looks like a road that is not safe to do a high speed on. Most people will travel at whatever speed seems appropriate to the design of the road, the look of the road.

DR BOURKE: So you are saying a street that looks narrower and more congested is actually safer?

Mr Arundell: Yes, not necessarily one that has too many things that hide people from view if they want to try to cross.

MR COE: The motivation for slowing down in the shared zones in Childers Street or perhaps what has been proposed in Bunda Street is, in effect, the risk of hitting someone, is it not?

Mr Arundell: Yes. It is partly the risk of hitting somebody. It is very much the consequences of hitting somebody. I am sure somebody has pointed out to you that graph that says that if you are doing 40 kilometres an hour, people will survive; if you are doing 60, they will not. It is partly to give everybody the feeling that we are all more or less equals here. I am not barrelling along in a two-tonne, four-wheel drive at 100 kilometres per hour and you are walking at five kilometres per hour. We are doing similar speeds. We have got enough time to make eye contact and say, "You go," or, "I'll go," that sort of thing, and we can share. The cars and the bicycles do not have a lane that is exclusively for them, which seems to be a very Canberra thing actually. When you are driving in Canberra, the lane is always yours, and you get very annoyed if somebody else wants to share it.

THE CHAIR: Until you want to move to another lane, yes.

Mr Arundell: That is true. If you have a zone where there is not a clear, straight-through path for somebody, that they might have to wander around a bit or something like that, then they will drive more slowly. They will probably enjoy themselves more. I know when they put the on-road bike lanes on Northbourne Avenue I thought, "These are great, I can get into town quicker." But I gave up using them because when I ride on those bike lanes, I become a commuter and I am thinking, "I've got to get to this set of traffic lights before it goes red," or when it goes green, "I've got to really go fast so that I can get through the next one." It takes me two to three minutes longer to go on the Sullivans Creek bike path, and I really enjoy that. I have done that path probably 7,000 times and I have never got sick of it; it is just beautiful. It is relaxing and I feel much better at the end of the trip.

MR COE: Going back to the shared zones, if the risk of hitting someone is perhaps one of the motivations for motorists to slow down, is it, in effect, unfair to pedestrians to use them in such a way that they are being put into a risky situation but, hopefully, by them being there it will act as a deterrent to them being hit and perhaps perversely make them safer? Is it a flawed concept?

Mr Arundell: I do not think it is a flawed concept. One of the advantages of a shared zone can be that you will actually get more traffic flow through it than in the previous situation. In Bunda Street, there is a crossing between the two halves of the Canberra Centre which is covered over the top. It now has traffic lights on it, and I think the reason for putting traffic lights there was that that was previously a zebra crossing and there were so many people crossing backwards and forwards through the day that if you got there in a car you would never get through. So the pedestrian lights were put there to create a break in the pedestrian traffic so that the cars could get through.

I believe that there are situations where if you took away the traffic lights and made it a shared zone, the cars would be able to wander through and not have to stop, and the

pedestrians would be able to filter through between them. The cars would actually waste less time, and the pedestrians probably would too.

MR COE: I would perhaps say that that pedestrian crossing operates fairly well because pedestrians know that the wait is not long; the wait there at most is going to be 30 seconds. When you press the button to cross Northbourne, you know you quite literally could have a four or five-minute wait and, therefore, people are more inclined to zip across.

Mr Arundell: It is not quite that bad.

MR COE: Three or four minutes, but a decent wait.

Mr Arundell: The Northbourne Avenue cycle is two minutes. When they put traffic lights in along Northbourne Avenue more than 40 years ago they knew that it was going to create problems for pedestrians because they would have to wait to cross the first half of the road, but then while they were crossing the median strip, the lights would change and they would be stuck having to wait again just to get across one street. It is just a badly designed road for traffic lights. The wide median adds six seconds of red time to the traffic light cycle for cars. The section of Northbourne Avenue from London Circuit to about Barry Drive probably has the highest number of pedestrian injuries of any street in Canberra. Northbourne Avenue in total accounts for 10 per cent. Cooyong Street accounts for five per cent, and it is only 1.1 kilometres long.

Another factor is that the traffic lights at many intersections are poorly designed. As I said before, you have to wait until you can cross the entire road before you are allowed to cross any of it. The intersection of Hindmarsh Drive and Melrose Drive is a brilliant example of what every intersection in Canberra should look like if it is on divided roads. It separates the two halves of the road so that you can proceed any time that it is safe to cross your half of the road. You get to the middle and then you wait until it is safe to cross the other half. I would love to see all of the big intersections done that way.

THE CHAIR: I will ask one further question. On page 2 of your submission, towards the bottom, you talk about the vulnerable road users ordinance in Austin USA and the distance that vehicles are required to separate from cyclists and other vulnerable road users. It is six feet in this case, which is almost two metres. There have been calls for the metre matters program to be instituted here. You also make a statement that the local police department does not cite people that move over double yellow lines to go past a pedestrian or cyclist.

Mr Arundell: I have given a reference for that. It should be included in the document. That is about all I know about that. I think the Amy Gillett Foundation would probably know a lot more about passing distances than I do.

THE CHAIR: Thank you very much for coming in this afternoon. In the next few days we will get a copy of the transcript to you for any changes. In the meantime we will take a short break and return to committee hearings at 3.30 with Professor Narelle Haworth from the Centre for Accident Research and Road Safety Queensland. That

will be a teleconference. Thank you, Mr Arundell.

Sitting suspended from 2.56 to 3.30 pm.

HAWORTH, PROFESSOR NARELLE, Centre for Accident Research and Road Safety, Queensland University of Technology

THE CHAIR: We will resume the hearing. Our next witness is Professor Haworth, from the Centre for Accident Research and Road Safety in Queensland. She is joining us via teleconference. Before we begin, can I remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. I understand that has been sent to you, Professor Haworth?

Prof Haworth: Yes, it has.

THE CHAIR: Could you please confirm for the record that you understand the privilege implications of the statement?

Prof Haworth: Yes, I do.

THE CHAIR: Do you have anything to say about the capacity in which you appear today?

Prof Haworth: I am appearing in a professional capacity in my role as team leader for vulnerable road users' safety at the Centre for Accident Research and Road Safety, Queensland.

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

Prof Haworth: Yes, thank you. Our centre has actually been working in the area of vulnerable road users for many years, mainly in the motorcycle and bicycle area but with a little bit of work regarding pedestrians as well. When we heard about the committee's inquiry, we thought that it was probably useful to bring to the committee's attention some of the research work that we have done in the past and a small number of issues where we thought there were particular points that might be of relevance to the committee. What structure would you like me to use now?

THE CHAIR: If there are any comments apart from the submission that you have given us in paper form that you would like to make while the committee is here, please do so, and then we will go to some questions for you.

Prof Haworth: A large amount of the research we have done has been in Queensland, and earlier in Victoria, and some limited research that was done in the ACT. Perhaps of relevance was one of the studies we did which was a simulator study here but carried out for the ACT NRMA Road Safety Trust, where we had a full simulation of driving through from basically the top of Northbourne Avenue out towards Wentworth Avenue, and we have actually got interactions between road users, motorcyclists and pedestrians programmed into that.

We have some actual data from a simulation of the ACT system and that bring us, of course, to the realisation that in many ways the road system is much better at catering for vulnerable road users in the ACT than in many other parts of Australia. So you are certainly coming from a good position.

THE CHAIR: Do you have some more comments before we begin questions?

Prof Haworth: In relation to motorcycling my comments really relate to licensing and training. Certainly there is opportunity for improvement there. Also, in terms of motorcyclists, encouraging protective clothing use is an important issue that we can go further with.

In terms of cycling, my main comments were in support of the regulations in the ACT and here in Queensland. The work that we have done suggests that footpath cycling does have benefits, and also there is our continuing support for bicycle helmet legislation.

THE CHAIR: I will kick off with the details on page 4 of your submission. In the second paragraph you talk about the CARRS-Q research projects and the attempt to identify the best practice in motorcycle rider licensing and training. Could you go through some of the areas that you have seen which you would deem to be best practice for licensing and training for motorcyclists?

Prof Haworth: We have done a number of reviews of international practice. One of the things which has struck us is that in Australia we somehow have a view that it should be quicker and easier, and certainly cheaper, to get a motorcycle licence than it is to get a car licence. That is generally accepted and does in a sense impose a number of limitations on what is acceptable and what is not in terms of government requirements.

In some other parts of the world that is not considered to be the underlying assumption. In other areas, particularly in Germany and other parts of Europe, and northern Europe, it is accepted that it takes a lengthy amount of time to get a motorcycle licence and the degree of training should be quite significant. I think that in many areas in Australia we are settling for perhaps a lower standard or less intensive motorcycle training than in the rest of the world.

One of the other things that we have picked up on in our research is that motorcycle training needs to incorporate not only the skills to control the motorcycle but also the skills to make the correct decisions when riding. That relates to the perception and response to hazards and also to the whole idea of teaching the ability to manage levels of risk and to recognise the levels of risk in particular behaviours.

One of the things which we have been working to develop and encouraging other jurisdictions to develop is incorporation of these cognitive skills into motorcycle training in addition to the usual emphasis on the ability to start and stop. I think that is very important when it comes to motorcycle training. Best practice needs to also recognise that the structure of graduated licensing for motor cycling probably needs to be different from the structure for car driving. With car driving, we know that we can keep our learners quite safe. From an injury point of view, learners are the safest drivers on the road. We have supervised driving and so on. We know what we should be doing and that it works quite well for teaching people to drive. But with teaching people to ride, a learner system just is not as safe for motorcyclists because they are not able to be supervised to the same extent as car drivers.

We know from looking at the data that the learner period for motorcyclists is just as risky as that first licensed period, whereas we know for car drivers that we have managed to keep that under control and the learners are safer. I think one of the challenges is not only in training but in actually structuring licensing systems in a different way for motorcycling perhaps than we have for car driving.

THE CHAIR: You mentioned the difference between car driving and motorcycle licensing. In the ACT we have a logbook system for motor cars but not so for motorcycles. What do you see would be the advantage perhaps of the extra training and guidance in those extra competencies you need to get in the logbook system for motorcycles?

Prof Haworth: I am not in support of the logbook system for motorcycles. The role of the logbook system is to document and encourage increased experience as a learner. We know that for car drivers that then leads them to be safer once they get their licence. But that is not the case for motorcyclists. For motorcyclists, instead of encouraging experience as a learner, we need to give them a more comprehensive and established set of skills before we let them out on to the road. We know we cannot keep them safe as semi-skilled learners, so in a sense we need to put a lot more training in at the beginning so that when we do let them out on to the road they are not as high risk as they are now. That is, to me, one of the fundamental differences that we need between the two systems and that is why I do not support the idea of having logbooks for learner motorcyclists.

THE CHAIR: We will go to other members of the committee for their questions.

DR BOURKE: Professor Haworth, could you explain more about education programs for child cyclists, such as the Bikeability scheme in the UK?

Prof Haworth: I have to say that it is not an area that I have directly researched. Most of my research has been looking at adults. However, some of our crash data analyses are relevant to that. There have been some positive evaluations of schemes such as Bikeability. They certainly have an important role in encouraging children to ride bicycles and, therefore, increasing their levels of physical activity, combating obesity and giving them good skills for later riding. So I think there are many reasons to support them.

The safety benefits are probably the weaker of the reasons for supporting those sorts of systems. One of the challenges we need to do if we are training child cyclists is to give them and the parents a good understanding of where it is safe for them to ride and how, so that there is a bit of a balance between encouraging people to ride and also getting them to recognise that some areas are actually safer than others.

The other thing that comes out of our research is that we have done some analyses looking at who is at fault in bicycle crashes. These are bicycle crashes that involve motor vehicles, which are the ones that arguably we are most interested in because of their severity. We know that for adults more than 50 per cent of the time the car driver is at fault, but we know that for children the pattern is the opposite and that children are more likely to be at fault. We need to be giving children the skills, but we also

need to be giving them the supervision and the ability—they and the parents—to choose the best places to ride to actually be able to keep them safe.

DR BOURKE: Some of the analysis of ACT cycling accidents which was presented to us earlier by the Australasian College of Road Safety was that half the accidents involving cyclists on roads occur at traffic lights, give-way signs or pedestrian crossings. Is that a conclusion that you have arrived at?

Prof Haworth: Yes, it is very much the case, and our data would support that as well. That is where the conflicts are occurring. That is where people are changing their direction and that is where the communication can break down. That is where failure to give way can actually happen. So that is not surprising and arguably it is probably the same pattern for car crashes as well.

DR BOURKE: We have had a lot of people telling us that cyclists do not often dismount to cross pedestrian crossings, as they are required to by the road rules. Could you comment on that for us, please.

Prof Haworth: Yes. I would agree that mostly cyclists do not dismount. In fact one of the projects that we have done for the Queensland government is to review the road rules that apply to cycling and walking, and that was one of the road rules that we looked at. We are now in the process of going through the system of changing that road rule so that it is not required for cyclists to dismount on the grounds that there was not a lot of evidence that it was leading to a lack of safety and also there was sheer lack of compliance, and it was another obstacle to increasing the popularity of cycling.

What we are doing at the moment is some observational work—looking at what are the safety margins that people are adopting when they are doing that and looking at what the safety impact of changing that rule is. In fact last October the Queensland rule was changed in regard to riding across a signalised intersection. Now cyclists are allowed to ride across when the green walk man is there. But the one which has not changed yet and which is now being considered is the pedestrian crossing. The proposed change to the rule is that cyclists must stop and look and then they can ride across the crossing. To just barrel out into the crossing and hope that you have been seen is obviously not something that we would be recommending as safe behaviour.

MR COE: Professor, are there any jurisdictions in Australia or perhaps further afield that are doing a better job at compiling and publishing data?

Prof Haworth: In a particular area?

MR COE: In accidents.

Prof Haworth: In crash data?

MR COE: Yes.

Prof Haworth: I am trying to think. I will backpedal for a minute. I think it is generally accepted throughout the world—I have seen data from Norway and other

places all around the world—that there is certainly a high degree of under-reporting of bicycle crashes. There is a degree of under-reporting of motorcycle crashes, particularly when they are single vehicle ones. So there is a general pattern across jurisdictions in the world of under-reporting of crashes involving vulnerable road users, not so much with the pedestrians but more the bicyclists and the motorcyclists.

I think the approach that is being taken in a number of countries to, in a sense, get around that problem has been the better linking with an incorporation of hospital data to get a better idea of what is happening with crashes of vulnerable road users. That is relatively difficult in Australia because of a whole lot of privacy issues. In some countries in the world where there are particular identification numbers that relate to people's health and all sorts of other government records—I am thinking of countries like Finland and some parts of Canada—then it is much easier to put data sources together and so on.

The challenge still for data in many parts of the world is that it is not as well done. There are improvements that can be made to the timeliness of data as well as its completeness. That may involve computerised systems. I certainly know that in many parts of Australia data—and I am talking about non-fatal crash data—has a very long lag time. Some of that has to do with perhaps organisations being quite protective of their data or of wanting to make sure that it is absolutely accurate before anything is released rather than being willing to have indicative data that is later updated. From a researcher's point of view and from the point of view of monitoring the effectiveness of programs, that is an issue.

MR COE: Are you aware of any published research which goes to the percentage of accidents that end up in the courts, or at least end up in some form of compensation?

Prof Haworth: Research that we have done some years ago—this was when I was still at Monash—suggested that there was very rarely court action relating to accidents, that it was very much a small minority of crashes where there was actually court action. There is obviously a much larger number in which there are demerit points or fines and so on but, when it comes to court action, it is reasonably uncommon.

MR WALL: Professor, in your submission you make note of an overrepresentation of youth cyclists involved in cycling accidents. Obviously that is largely described as a lack of experience. Can you point to some programs or initiatives that are working to tackle this issue quite effectively?

Prof Haworth: We do not have many good bits of research that look at that. I would say from the characteristics of the crashes which young people are involved in that many of them relate to riding out from driveways and riding from footpaths across roads. From that point of view, the ability to provide off-road routes is clearly beneficial for them.

The other point that I perhaps should make reasonably clearly is that, while children have a significant number of injury crashes with bicycles, it is not the case with fatalities. In fact, they make up a very small—fortunately—proportion of the bicycle fatalities. Our problem with cycle safety with children is relating to injury and for adults it is largely injury as well. The fatality problem is an adult problem rather than

a child problem. That is something which people are not always aware of.

One of the other issues we have with children—more with adolescents—is that traditionally we have had lower bicycle helmet-wearing rates amongst teenagers, particularly teenage boys. Teenage boys tend to ride more. Unfortunately, girls tend to stop riding, which is very unfortunate. I think programs to encourage helmet wearing and perhaps programs to increase the attractiveness of helmet wearing, including some of the newer styles of helmets that are more cool in the fashion sense, are probably useful ways to go with improving the protection from injury for child and adolescent cyclists.

THE CHAIR: Just while you are relating to the cycle helmet-wearing issue, we had a submission from one group that suggested that perhaps it should not be mandatory for cycle helmet wearing and that they did not believe there was enough evidence to prove that helmet wearing would prevent particular injuries. Do you have any comment on that?

Prof Haworth: Yes. It is certainly one of the biggest controversial issues in cycling, and there is a lot of misrepresentation and misanalysis of data in that area. The poor quality of some data is contributing to that. I suppose a lot of it is based on perceptions of reductions of cycling that occurred at the time of the introduction of mandatory helmet-wearing legislation more than 20 years ago. Our argument would be that cycling numbers are increasing and continue to increase year on year now. It is like seat belts. They were unpopular when they first came in; now we do not worry about them so much. But, unfortunately, we have not got to that stage with helmets yet.

We did some analyses looking at Queensland crashes. They were police-reported crashes, so largely crashes between cars and bicyclists. We looked at whether head injury was reported or not, whether there was head injury and whether a helmet was worn. The results of our analyses from Queensland data showed very similar results to most of the published data on helmet effectiveness—that we get about a 60 per cent reduction in the risk of head injury with bicycle helmet wearing. That is for on-road crashes involving cars. A lot of the previous research had shown similar figures for off-road crashes as well.

We are strongly supportive of the ability of helmets to reduce head injuries. They certainly will not reduce other injuries. But we know that head injuries are the sorts of injuries, of any injuries, that we actually want to prevent because they have such long-term consequences. They are very costly for the state system, but they are tremendously costly in terms of breakdowns of relationships, changes in personality, ongoing inability to work and being able to relate well to other people.

Our view is that whatever we can do to increase the protection that we are giving to people's heads, as well as other programs in terms of improving infrastructure and everything, we are in some way supporting an increase in cycling by improving infrastructure. But we really need to keep the helmet laws because we are not going to solve all of our infrastructure problems and make cycling safe tomorrow.

MR COE: Professor, would you be able to advise whether you are aware of any

correlation between the increase in the number of bicycle riders with the increase in the number of on-road bike paths? It has sometimes been put in the public debate that by putting in on-road bike paths it will encourage more people to ride. But I wonder whether they in fact only encourage confident riders, who are existing riders, and do nothing to attract new cyclists to cycling.

Prof Haworth: We did a very large study of Queensland cyclists a couple of years ago. We had 2½ thousand respondents to that. In that study we looked at which years people had cycled in. We were actually able to identify which people had taken up cycling within the last two years. We deliberately, as you would imagine, did it that way because we wanted to look at what are the differences and characteristics between the new cyclists and the existing hardcore cyclists, if you want to put it that way. One of the things we asked about in that study was where did they ride and when they rode there was it because they wanted to or because they were reluctant to do so—in other words, they did it but they did not really want to be doing it. We found differences in the patterns. I am sorry; I do not have the actual information in front of me. I certainly can send some more information answering that question through to your committee.

MR COE: That would be great, thank you.

Prof Haworth: One of the things we found, though, was that our new cyclists, as we called them—some were riding considerable distances, but new to cycling—were spending more of their time cycling on footpaths and other off-road facilities. But there was a mix. Even amongst the most experienced, they did still in some locations reluctantly ride on the footpath because they considered that the road was just too dangerous. We need a mixture of facilities. I think that on-road lanes are probably okay for new cyclists where the traffic speeds are not so high. The challenge is one of speeds and speed differentials too.

THE CHAIR: Professor, there has been a program running in Queensland called “a metre matters”. We have had a submission to this inquiry suggesting that it should be implemented in the ACT as well. Do you have any comments with regard to that program?

Prof Haworth: Yes. We certainly made some detailed comments about that in our submission to the Queensland inquiry. In principle, we are supporting the idea of giving greater clearance to cyclists. We are certainly happy with the idea of promoting the concept. The challenge, I suppose, for us is whether we currently have enough data to prove the effectiveness of changing legislation to require it. Certainly, we were aware that it has been introduced in a range of US states and some countries, but there is really very limited evaluation of what its effect has been and how that effect might relate to the extent to which it is actually enforced.

From a researcher’s point of view, we were perhaps of the view that we were not sure whether there was sufficiently strong evidence currently for it to be enacted as law, but we are certainly of the view that, if it was, evaluation should be conducted in order to see how well it was working.

DR BOURKE: Professor, you canvass Segways in chapter 5 under “Any other

relevant matter”. Could you perhaps tell us a little bit more about them, if you could, please?

Prof Haworth: Yes. We had a change in the regulations in Queensland. It was probably a couple of years ago now, I suppose—the years seem to go quickly. That allowed their use on footpaths and bicycle paths. I think that is how it went. We have a concern that they are relatively large and heavy and their use is independent of the level of experience and capability of the rider. In a way, bicycles are limited by how fit and how skilled the rider is and Segways are not. So that is a bit of a concern we have, and also their mass if they are involved in a crash with a bicyclist.

Segway is a brand name for an upright electric propelled vehicle. The Segway brand name, the actual Segway product, is quite expensive. It is much more expensive than a motorcycle and certainly much more expensive than all but the very top end bicycles. So we are talking maybe \$10,000 or \$15,000 for a Segway. We know that the market for Segways is self-limiting because they are so expensive. They are really only going to be used by police, security guards—that sort of occupational use.

Our concern was that the Queensland legislation is actually written in a way that does not specify “Segway” but specifies the type of vehicle it is, which is sensible, I suppose. But there is a concern that there will be perhaps a growth in some cheaper, less controlled and less speed-controlled Segway lookalikes, effectively cheap Chinese imports, and that some of these, if they become cheaper, they will become more numerous but also may be less safe. We have quite a bit of concern about how safe they actually will be in interactions with both pedestrians and cyclists.

DR BOURKE: We had some comments from a witness earlier this afternoon about the safety of these two-wheeled, self-balancing personal transporters, which is Segways. Do you have any comments about that?

Prof Haworth: There is not a lot that is actually known about them. They have largely had a commercial use, a patrolling-type of use, rather than a recreational one. My concern would be that if a similar, cheaper product was being used for recreational purposes, it might actually be used in a way that is more risky than what the current Segways are used for.

It is this whole issue of the relative safety of occupational use of a vehicle compared to recreational. Just as an example, for motorcycles we know that the risk of a recreational journey per kilometre is double that of one that is commuting to work or something like that. We know there are risks associated with having fun with vehicles that need to be considered.

THE CHAIR: As there are no further questions, thank you very much, Professor Haworth, for your time this afternoon. We will get a copy of the transcript of today’s hearing to you in the next few days so you can check for any errors.

Prof Haworth: Thank you very much.

WOODS, MS JENNIFER, Senior Vice-President, Motorcycle Riders Association of the ACT, and Chair, Ulysses Club Road Safety Committee

THE CHAIR: Thanks for coming in this afternoon. We have been provided with your submission from the Motorcycle Riders Association of the ACT. Before we begin, can 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. Could you please confirm for the record that you understand the implications of the statement?

Ms Woods: Yes, I can confirm that.

THE CHAIR: We have all had a look at your submission. Would you like to make an opening statement before we go to questions?

Ms Woods: Thank you. First up I would like to apologise on behalf of the President, Steve Robson, who was unable to attend due to work commitments. We put the submission in. You know the work that the Motorcycle Riders Association does in the ACT. We work very closely with government. Probably one of our most visible roles is the toy run and the blanket run where we assist the community, and the pink ribbon ride and all those sorts of things. You have got the submission in front of you. I probably do not have to go through it. I am happy to summarise our key points if you wish.

The points in our submission include the key results from the 2008 national motorcycle and scooter safety summit. Those points, we feel, are still very relevant today but a lot have not been acted upon.

We have concerns about barriers and roadside furniture. A recent ride around Canberra to Bungendore had me noting that many of the caps on the wire-rope barrier uprights are missing, which creates a further issue for a rider who may impact them. We recognise that WRBs are an integral part of the mitigation part of the strategy for road users. However, the MRA ACT is adamant that all barriers must be correctly installed and, very importantly, maintained.

Too much signage can cause confusion and be a hazard to all road users. Again, going back to the barriers, rub rails should be fitted on w-beam barriers. All poles and posts on the roadway need to be frangible and self-healing. We understand that that is part of the ongoing maintenance and replacement program, and we encourage that to continue.

Signage must not intrude into the motorcycle envelope, and care must be taken when installing signs on or near roundabouts lest they cause a distraction or a hazard. Paint on roads must be grippy, and raised reflectors on roads must not be placed near turning points. Better illumination of all pedestrian crossings is an imperative.

We are raising concerns around filtering, and we would encourage and strongly support the ACT government to implement a trial of filtering in the city, noting that it has already been trialled in Sydney, although the results are not available yet. But it is also being raised in the state of Victoria as well.

We distinguish between filtering, which is moving past or between stationary or low-speed traffic, and splitting, which is at higher speeds. So we do not condone splitting at all and we do not encourage that. It is the belief of MRA ACT that such filtering, when carried out properly, offers significant safety benefits for riders as well as benefits for all users by producing more effective use of road space. Any filtering trial should come with appropriate advertising aimed at all road users. For example, a specific, shared-road campaign and appropriate filtering techniques should be included in rider training. We also would then support the establishment of forward stop-boxes at lights should the filtering trial be successful and go ahead.

We have concerns that the image of motorcyclists is not very good, and we would like that improved by the funding of a supportive campaign by ACT government. It seems to us that when you hear of a crash, the immediate assumption is that the motorcyclist is at fault. We are very concerned that that translates to attitude from drivers.

The Joe Rider campaign, which is an awareness campaign—and I hope you are all aware of that by now—needs to be funded to enable it to expand. Rider education is important. Protective clothing should be encouraged. The good gear guide should be provided to every learner rider. We would like to see ongoing encouragement for further rider training, not just one training but encourage further training, particularly to returning riders.

Secure motorcycle parking and adequate motorcycle parking are important. Driver and pedestrian distraction is of particular concern to us. As to footpath parking in areas suitable to do so, a working group was convened several years ago, and we would be supportive of another working group and study of the feasibility of this.

Just recently I became aware of and was sent a copy of the TARS Research report on reducing motorcycle trauma in the ACT. Whilst I have not had a chance to have a good look at it and analyse it—as I said, I only got it the other night—the summary of that really points to and supports most of these issues that the Motorcycle Riders Association has been talking about for many years. I was delighted to read that.

THE CHAIR: I will kick off: I am interested in two streams of your submission. One is barriers, and you have given us a bit of a brief on the difference between the wire-rope barriers and the w-barriers that you are concerned about, especially in relation to motorcycle accidents at those barriers. Are you able to show us any links perhaps to research that has been done on accidents involving motorcycles that have struck wire-rope barriers compared to w-barriers, for example?

Ms Woods: I would point to the very recently released report that I just referred to.

THE CHAIR: The TARS report?

Ms Woods: That is right. It is very comprehensive.

THE CHAIR: What did it show?

Ms Woods: The conclusion was that there should be mitigation strategy installed on

w-beams because the uprights on w-beams in particular are very much a trap for motorcyclists. We tend to wheel through and limbs get caught in those uprights. Rub-rail barriers are recommended for those. Indeed, they are in use in other parts of Australia as well. We do not have any here.

THE CHAIR: The other one I was very interested in is filtering, particularly the stop boxes at road junctions. Can you explain for the committee how these stop boxes would operate?

Ms Woods: A stop box is a designated area in front of where the cars stop and motorcyclists would then filter to the front. So they are in their own area at the lights and are able to move off first.

THE CHAIR: You also mention the difference between filtering and splitting and speed zones or speed limits attracted to those two areas. Do you have any reference to show that a particular speed would be safe for filtering?

Ms Woods: I do not have it with me, but I have seen reports on that. We generally say between 15 to 20 kilometres for filtering, moving through stopped or slowing traffic. We certainly do not condone splitting where a rider is just moving from one lane to the other through traffic. I can come back to you with recommended speeds.

THE CHAIR: Thank you.

DR BOURKE: One of the things you talked about in your submission is a star rating system for protective clothing. How is that progressing?

Ms Woods: It is not. That was something that was raised at the summit as something we would like to have had back in 2008. As far as I am aware, it has not progressed any further. That conversation was around mandating clothing. If you are going to mandate clothing, you would need some sort of a star rating or a rating program. That has not happened. We prefer education rather than a mandating of clothing.

DR BOURKE: How did you go with the GST exemption request?

Ms Woods: No. It is one of those things that go into some sort of black hole.

MR COE: With regard to grippy paint, particularly in regard to the different coloured zones on our roads, we of course have the red zones in the bus lanes, which motorcyclists are allowed to use.

Ms Woods: That is correct.

MR COE: And perhaps not appropriately signposted at all, or most people do not realise that motorcyclists are allowed to use those areas. Also there are green areas near intersections, near the merge points. Have your members or members of the member clubs expressed any concern about those areas?

Ms Woods: So far as the grippy paint issue is concerned?

MR COE: Yes.

Ms Woods: No, not yet. It tends to be more paint that is older or particularly the white paint marks, not the green or the red. That would be a concern. I would like someone to make sure that those painted areas were maintained so that they kept their grippy surface. That would be something that we would push to happen. But certainly there have been no complaints yet.

MR COE: And regarding the installation of wire-rope barriers, I note that in your submission you have provided some photos of the different termini.

Ms Woods: That is on the w-beams, yes.

MR COE: And the uprights on the wire-rope barriers, the Ezy-Guard posts. What communication have you had with the government about installation of wire-rope barriers and the ongoing concerns? On Parkes Way, we have probably got about five kilometres of wire-rope barriers which, at 90 kilometres an hour, is potentially a pretty dangerous stretch.

Ms Woods: That is correct. It is an ongoing conversation. It is a difficult conversation as well. We tend not to crash on WRBs. We spend a lot of time with our riders saying, “You have to ride to the conditions.” Installation is critical to us. Recently we had an instance where two sets of barriers were meeting. One started there and the other ended, and it was onward traffic. So anyone who missed something would go down the middle of those.

We tend to keep a lookout for issues like that, specific issues. We are never going to win the WRB conversation because we understand that they work for cars. They can stop cars coming into our pathway as well. So our concern is correct installation. Mitigating treatments is what we would really push for rather than removal of barriers, just making sure that they are maintained correctly—for example, in WRBs, as Mr Gentleman mentioned before, making sure that there are underrun barriers. The TARS report also discusses the cushioning treatments for barriers, and we will probably be raising that in our discussions with ACT government as we go along.

MR COE: In that instance where you said the overlap was, in fact, on the wrong side, was that a new road project?

Ms Woods: Yes, it was.

MR COE: Whereabouts is that?

Ms Woods: Around the Black Mountain area. We use Canberra Connect as quickly as we can. We take photos and follow any issues up quickly. Obviously it would be better if they just did not happen.

MR COE: Yes, and followed the Australian standard, which I presume is a condition of the contract.

Ms Woods: Yes, one would presume so.

MR COE: And was that rectified?

Ms Woods: Yes, after a while.

MR WALL: I would like a little more information. In your submission you mention the MASTERS riding course, updating and renewing skills. We have heard from a number of witnesses and also in submissions that the big issue with motorcycle riders is that they often ride a low-powered bike in their 20s and then have a seeming mid-life crisis and buy a high-powered bike.

Ms Woods: That is exactly the one. We hear that story a lot and it is absolutely true. Several years ago the MRA ACT partnered with NRMA-ACT Road Safety Trust and Stay Upright to produce the MASTERS course, which is the Mature Age Skills Training for Experienced RiderS course—you have to come up with something groovy for people. It is semi-funded by the trust, run by Stay Upright and administered by the MRA ACT. It is run several times a year and, as I said, it is targeted towards those returning riders but also to older riders who may have been riding all the time but have not done a course for a long time.

One of the continual conversations we have with riders is to encourage further training. They go and do the masters course. We receive feedback every time and it is consistently stunning. Riders consistently say, “I didn’t know that. I didn’t do that. This is fantastic. I feel much better about getting on my brand new bike.” It is voluntary, and we do as much as we can to push that course. It has been very successful. I only have feedback. We have got permission to do follow-up but I have not got to that point of being able to follow up yet as that is a time issue.

THE CHAIR: Could you tell us a little more about the course in relation to the teaching of road craft and awareness and safety instruction?

Ms Woods: It is essentially an advanced course but targeted towards returning riders. They learn correct coverage of the controls, they do some slow-speed riding, talking about road craft. There is a classroom session where they talk about road craft, how to position yourself, how to analyse, watch what is ahead, think for other people on the road—all of those sorts of skills that make a better rider. They do some slow-speed work and just generally pick up those skills.

THE CHAIR: I will finish with one more question. The previous submitter talked about more training for younger riders before they actually get their licence. She indicated more extensive training was required before they actually pick up their licence and go on the road. Do you have any comments about that?

Ms Woods: The current course is only on the track, only at Stay Upright, and yes, we would like to see an on-road component as part of that, absolutely. In fact, I am meeting with Stay Upright next week as a result of the TARS study to talk about targeting younger riders and how we might do that, but to keep the masters courses going as well.

THE CHAIR: Thanks very much for coming in this afternoon. We will get a copy of

the transcript to you for you to have a look at to see whether there are any errors. That concludes the committee's proceedings for today. The transcript will be available on the committee's web page in a few days. A copy will be sent to all of the witnesses today to check for any typographical or other errors. The hearing is now adjourned.

The committee adjourned at 4.26 pm.