



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

CANBERRA

WEDNESDAY, 5 MARCH 2014

**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.

WITNESSES

FLINT, Mr PAUL, Executive Director, Council on the Ageing (ACT)..... 158
**HAWKINS, Mr WALTER, Principal/Practice Leader, Maurice Blackburn
Lawyers..... 163**
PALAVESTRA, Mr GEORGE, Principal, Melrose High School..... 142
SAUNDERS, Ms MARGO, private capacity 151
STRANG, Mr PETER MCKENZIE, Canberra Manager, GTA Consultants.... 172
VAN DEN DOOL, Mr DICK, Director Active Travel, GTA Consultants..... 172

Privilege statement

The Assembly has authorised the recording, broadcasting and re-broadcasting of these proceedings.

All witnesses making submissions or giving evidence to committees of the Legislative Assembly for the ACT are protected by parliamentary privilege.

“Parliamentary privilege” means the special rights and immunities which belong to the Assembly, its committees and its members. These rights and immunities enable committees to operate effectively, and enable those involved in committee processes to do so without obstruction, or fear of prosecution.

Witnesses must tell the truth: giving false or misleading evidence will be treated as a serious matter, and may be considered a contempt of the Assembly.

While the Committee prefers to hear all evidence in public, it may take evidence in-camera if requested. Confidential evidence will be recorded and kept securely. It is within the power of the committee at a later date to publish or present all or part of that evidence to the Assembly; but any decision to publish or present in-camera evidence will not be taken without consulting with the person who gave the evidence.

Amended 20 May 2013

The committee met at 1.00 pm.

PALAVESTRA, Mr GEORGE, Principal, Melrose High School

THE CHAIR: Good afternoon, everybody, and welcome to this public hearing of the Standing Committee on Planning, Environment and Territory and Municipal Services inquiry into vulnerable road users. On behalf of the committee, I would like to welcome Mr Palavestra from Melrose High School. 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 privilege implications of the statement?

Mr Palavestra: I understand.

THE CHAIR: Thank you. And can I remind witnesses that the proceedings are being recorded for Hansard for transcription purposes and webstreamed and broadcast live. Mr Palavestra, would you like to make an opening statement to the committee?

Mr Palavestra: Yes. I am here on behalf of the Melrose High School community and the school board. The school's submission is based around a long-term concern that the school community has had about our students crossing the Athllon Drive intersection, which is a major arterial road servicing the south and the north through Woden.

Just to give you a context to the reason why this is such an important intersection for us, the school has had a population varying over the past 10 years between 800 and 700 students and approximately 75 per cent of those students actually come to the school via bus. They actually reside in Tuggeranong. The school receives those students on the correct side of the road. At the bus stop, when they arrive in the morning, the majority of school students are actually arriving directly at the school oval end of the school. So they do not need to cross roads, unless, of course, they are making decisions to go to Mawson shops. But the vast majority will do that. So the concerns that we have have never been the morning peak times.

The concerns we have are about the access our students have to the intersection when catching buses in the afternoon. And the buses in the afternoon, of course, collect the students on the diagonal corner of the school. So our students then have to proceed across approximately 14 lanes of traffic in order to access the bus stop on the opposite side of the road. And part of that is because we have six lanes effectively on the Athllon Drive thoroughfare. We have four lanes on Mawson Drive and Beazley Drive. In addition, we have four slip lanes. So the students have to access all those to access their buses.

The reason why we have major concerns is that the traffic speed on that intersection is 80 kilometres an hour. Unfortunately, we are dealing with adolescents who are a bit more impulsive in terms of the way in which they access the intersection. That is not to say they access the intersection in a dangerous way. However, of course, because the vast majority of them are accessing buses which are coming down Athllon Drive, invariably they spot the bus and they try to find the quickest route across to the

diagonal corner.

So that puts us in a situation where the school finishes our school day at 10 past 3, and we have in excess of 300 students who would access that intersection in that 20-minute period between 10 past 3 and 3.30. The school puts in place a monitoring system of supervision of staff members on our property, but we have had concerns from our staff, the union, WorkCover, about our staff not having control of the intersection. They are not traffic police in any kind of way. So we cannot extend our jurisdiction beyond our boundary on the corner.

So once the students have been released from the corner, then we run the problem of the students trying to access the intersection. They do have the zebra crossing at the first slipway. That is their first port of call. They are manoeuvring to a little traffic island, which would fit maybe 10 students. Some students will try to get to that point because there is a zebra crossing to start with and then wait for the traffic lights.

The next point of call is they have two double lanes to negotiate, with a very small traffic island between, effectively the width of a traffic light. So if they do not make it across into that next little triangle, they have very limited refuge places.

The next corner they get to is, again, a small triangular traffic island before they then attempt to cross the Athllon Drive intersection. The Athllon Drive intersection does contain six lanes of traffic, one of which is a turning lane. Again, once upon a time there would have been a large traffic island where they could have sought refuge between the six lanes of Athllon Drive. Unfortunately, the turning lane has reduced that to a pretty much traffic light width. There is very little refuge space for our students.

So once our students start negotiating the intersection, they are doing it en masse and they are trying to, of course, get across to the other side to the bus stop, with pretty much no capacity to find refuge. They have got to make it all the way. While the staff try to contain the masses as much as we can, it is challenging to try to manage 300 students in that 20-minute block. That is the main gist of the problem.

We have negotiated many opportunities to discuss modifications to the intersection over the past 10 years, the school board, the P&C, the SRC. We have had quite a large focus around this intersection for a long period. We have had minor modifications in terms of signage. But the standard has always come back to: it is the school's responsibility to educate the students to cross the road. And we do that. Unfortunately, there is one factor that people do not take into consideration: we deal with adolescents, and adolescents are considered to be vulnerable road users and they do take risks.

THE CHAIR: And from your witnessing, how many incidents would you have seen or had reported to you?

Mr Palavestra: In the seven years that I have been there, there has certainly been in the order of five incidents where students have been hit. In fact, the last incident, which occurred two years ago, I have got to say, was, in fact, an adult pedestrian, not one of our students, doing the very same thing, trying to catch their bus in the morning and trying to beat the traffic coming back to my school. So this is another

complication that is interfering with that intersection, because we now have a park and ride also associated with the bus stop where my students would pick up the bus in the afternoon.

THE CHAIR: Just in regard to the traffic islands and the amount of space in between the lanes, you were previously at the old Kambah High School.

Mr Palavestra: Yes, I was.

THE CHAIR: And now there is the Namadgi High School there and there has been some traffic treatment there on those islands in between the lanes. Have you been able to have a look at that?

Mr Palavestra: Yes. We have had discussions with various committees and politicians and TAMS over the course of the year, looking at solutions. The problem that we have got with the current intersection is limited spaces. Originally at the Kambah intersection you had a very wide median strip. So they were able to negotiate the mobility of students through a protected zone before, in fact, then building the overpass.

The overpass is one which has been deemed to be impractical for that intersection, according to information that we have received through TAMS and so on. It would require significant infrastructure and possibly even having to put, effectively, a pole in the middle to hold it all up above the intersection.

THE CHAIR: This is the Athllon Drive one?

Mr Palavestra: The Athllon Drive one, yes. The school and school board have accepted that the overpass option is not really going to be a reality for us and we are really keen to look at other traffic calming devices. We have put forward an alternative which we thought was the simplest solution. That was to provide access for the students to be able to cross the road on the diagonal. That is known as a scramble crossing. That was our preferred option originally. We have since had further advice from TAMS and from Roads and Traffic Authority that that would actually cause further confusion with the public as it would create uncertainty about when the scramble crossing was operational. So we have come up with an alternative solution which is currently being enacted right as we speak.

THE CHAIR: Good. Mr Palavestra, the minister announced yesterday a change to speed limits during school crossing hours.

Mr Palavestra: Yes.

THE CHAIR: Do you have a comment on those changes?

Mr Palavestra: That has been received very positively already. I have had many people who have been involved in this process acknowledge and congratulate me and the board for our persistence. I think that has been a positive step forward. The challenge now is going to be monitoring that to see its implication. Unfortunately, last week there was a student who was hit on Athllon Drive—not our student, but a Marist

student, hit on Athllon Drive in the 60-kilometre zone. That occurred a matter of 100 metres further up the line; it was not actually at the intersection. But 60 kilometres in that zone may have saved that boy's life, and I suppose that is the first priority as well. I do not want to be facing a parent or the media acknowledging that we have lost a student.

THE CHAIR: Thank you.

DR BOURKE: I am sorry you have had to lobby for nine years to get this issue addressed. Why do you think it has been so difficult?

Mr Palavestra: We have put forward a number of solutions each time. The problem has been that it is a major arterial road. There have been concerns about the implications on traffic flow; that has always been one of the excuses. ACTION have refused to reroute buses to support us in this process, because it would impact on the whole network, even though it is probably only a half-hour period that we are looking at for ACTION buses to perhaps help us out. And there are the costs involved in the infrastructure of putting in overpasses. One of the other alternatives that we looked at was relocating a bus stop between Marist and Melrose, where there is actually an underpass. Unfortunately, the lay of the land would require significant landfill to create a bus stop area.

So the cost factors have been a significant problem. And—I have to be honest—one of the frustrations that we have had is that we have regularly been told that it has been a school responsibility to train our students to cross the road safely. That has been very frustrating. I can stand in front of an audience of students and remind them every week, but unfortunately we deal with what I consider to be vulnerable road users. We deal with adolescents; they are impulsive. Yes, they have all been told how to cross the road, but it is very frustrating when you see a staff member who is there, who is trying to manage the flow of the masses in one go, and you have got a student who then takes a risk because their bus is coming.

DR BOURKE: One of the things that the minister also announced was an extension in the pedestrian crossing time. You have already mentioned that in your initial preamble. Do you think that that will be a benefit?

Mr Palavestra: Yes; that certainly will help. At the moment what happens is that if you have got a group—we will still have supervision of staff; that part of it will not change. We still want to manage the flow of students. But extending that amount of time enables a larger group—and that is the problem: you have got 300-plus students trying to access that intersection in a really short period of time. As I said, they cannot all move 300 in a line. They are going to come in 50 deep, 20 deep or whatever. The first half will get through very comfortably; the second half are always the ones that are left. So that should help as well.

DR BOURKE: Does the school have any role in the release of kids at that particular point? If you are letting them all go at 10 past three and they are all heading in the same direction, is there any opportunity for a staged release? Have you considered that?

Mr Palavestra: We have looked at options in terms of changing the end of the day. One of the challenges in a high school situation is that it is actually about at what point you change or fragment the day and the timetable. Students invariably will—I cannot just start it at the end of the day. I cannot say that half the group now finishes their lunch half an hour earlier because they are going to go earlier at the end of the day. The challenge is that at the end of the day, on Monday it will be year 7 who will finish last in a particular subject. I cannot just determine a particular year level. And also it is in terms of staffing. I have got to try and balance the staff across the whole school so that I do not end up with a situation where a teacher may have been overloaded on one particular day because their schedule is out of whack with the rest of the school.

DR BOURKE: Is there less of an issue for Marist students going to Tuggeranong because of that underpass that you talked about under Athllon Drive? You are saying there was an incident recently involving a Marist student.

Mr Palavestra: I can comment only because initially the parents saw the student being hit. They happened to be wearing a white shirt, which happens to be my school uniform, and they believed it was a student from my school. That student had made a decision to walk off a bus and in front of the bus instead of behind the bus. Effectively they should have looked out behind the vehicle at the oncoming traffic, whereas he just stepped out, unfortunately. The vast majority of Marist students have their own dedicated buses. They have got a larger number of people. For example, ACTION will not put on a separate bus for us for 20 or 30 kids. Our students—

DR BOURKE: ACTION?

Mr Palavestra: Yes, ACTION buses. There are 1,500 or 1,600 students at Marist. They have got a larger cohort, so they will actually fill a bus, whereas we will not. So they have a larger number of buses coming in through their front. Those students do not want to access the bus where our students are congregating, because they are all competing for bus seats. So they will actually go to the earlier bus stop, I think at Parramatta Street or something, further up. There is a bus stop opposite. It is also on Athllon Drive, but it is past the roundabout. I think it is Parramatta Street. I cannot remember.

DR BOURKE: And there was no possibility of getting your students to use the underpass and that set of bus stops?

Mr Palavestra: That was put to us—that we should be channelling our students. Effectively, if you think about it as three sides of a rectangle, my students, instead of going from point A to point B, would have to go one side, through the underpass, back again, and then still cross one of the roads to get to the intersection. If you are talking about adolescents—in fact, it is not just adolescents—it is just human nature to take the shortest route to your destination.

MR COE: Thanks for your evidence today. The announcement by the government obviously was a long time coming. I wonder what could possibly have been the catalyst for doing this in the last week, given that there is virtually no cost involved in reducing the speed limit. Surely each of the accidents would have been a catalyst to

have done something. I wonder what possible new information could have come to hand in the last few weeks, the last few months, to have made this change happen now as opposed to nine years ago.

Mr Palavestra: That is an interesting question; I do not think I can answer that. Part of it, I thought, was that this process has probably raised the profile of our intersection, our plight. We have definitely had media attention around that. There has been a little more public acknowledgement of our issues.

MR COE: It would seem to me that the reasons for not doing this five years ago would be the reasons not to do it today. It would be interesting to know what the rationale is. That is perhaps something we can put to the minister—as to what has changed in the last few years for that decision.

With regard to awareness for the 60 zone, do you think it is going to require flashing lights or some other kind of alert to motorists?

Mr Palavestra: Currently, on each intersection there is the big electronic signage indicating that the change will take place as of 11 March.

MR COE: But they are variable message boards, aren't they?

Mr Palavestra: Yes. They are already on each of the intersections, alerting the traffic. That has been part of the public acknowledgement that I have been receiving over the last couple of days. People have gone, "Hey, things are actually happening." Longer term, it might require not so much the variable messaging on the big boards but the traffic signals. It is something that is only going to happen at the moment for a half-hour period in the day. At some point down the track, it may require an electronic speed sign.

MR COE: Like in New South Wales?

Mr Palavestra: Yes—something which says 60 kilometres an hour, 80 kilometres or whatever. The other thing is this. We have had some negotiations with the roads traffic group. Tony Gill has taken a personal interest in this one. Unfortunately, previously we have had people who have not necessarily been at the top of the tree dealing with us and putting it back on us. Tony has been great. I have got to acknowledge that he has done some of the hard yards. He has promised action and we have actually got the action. We have got an undertaking at the moment that that will be reviewed. The board has an undertaking that that will be reviewed in due course, whether it is a six-month period or whatever. We do want to see how that impacts on the actual behaviour at the intersection. It impacts on the road users as much as the students, so there may be some further modifications required.

MR COE: Are there any engineering solutions other than the ones that you have mentioned that are worth considering?

Mr Palavestra: Our personal preference was to try and get the students across in the shortest period of time. Our preference was originally for a scramble crossing. We have been advised that the safety issues around the scramble crossing only operating

for a short period of time during the day would potentially cause more problems than it would solve—for example, public road users stepping out onto the road thinking that it was a scramble crossing when in fact it was back to its normal situation. That is the advice we have been given and it is aligned to some of the OHS feedback that we have received from New South Wales.

MR COE: I would imagine there would not be a huge amount of foot traffic across that intersection at other times of the day—going diagonally, at least.

Mr Palavestra: That is right; yes.

MR COE: Is that the rationale for why they could not do a scramble crossing?

Mr Palavestra: The theory is that if you create a scramble crossing, it would be in place 24 hours a day. That is the rationale according to legislation. My understanding is that it is based on legislation from New South Wales.

MR COE: Thank you.

THE CHAIR: Colleagues?

MR WALL: I will defer to Mr Doszpot.

MR DOSZPOT: Good afternoon, Mr Palavestra. I am sorry to hear that it has taken so long to raise the profile of this issue that you have been pushing for quite some time. I am overdue for a visit to your school; I would like to come and have a further chat.

Mr Palavestra: Sure.

MR DOSZPOT: But it is not a chat, in particular, that you are interested in; you are interested in getting a resolution. I would just like to ask a couple of follow-up questions to those my colleague Mr Coe has asked on the scramble crossing. That would appear to be the most logical and the most doable proposition, if I understand it correctly, from your point of view?

Mr Palavestra: Certainly. We have had lots and lots of discussions about the various solutions. We thought that would be the most cost-effective, but it is compounded by Athllon Drive being one of the major arterial roads. The concern about getting the kids across is one thing, but of course what happens at the moment is that a lot of students, and in fact a lot of the public, know the sequence of lights. You have got turning lanes, so certain areas will always be closed off when those are in operation. For example, if you are waiting for the traffic making a right-hand turn, the people on the right-hand side know that they are safe to walk across a red light. The public do that already. The advice that we have been given is that if you put a scramble crossing in, that will solve one problem—but will it stop people from still taking the shortest route when opportunity arises with the change of lights?

MR DOSZPOT: With the new measures that were announced just yesterday, it is obviously too early for you to tell what impact that is going to have on the problem. Would that be right?

Mr Palavestra: The first priority is that it will reduce the speed limit. The concern that we have always had is that with the vulnerable road user, if you make a mistake at 80 kilometres an hour, the outcome is not going to be as good as in a reduced speed limit situation. We were never expecting to get 40 kilometres an hour; we know that that was never going to be practical. But there is the opportunity also for an extension of the lights. I think they are also looking at the sequencing or the signalling so that it will channel the students in one direction only. That is the other outcome that we are looking at.

MR DOSZPOT: You mentioned that you have not had access to high enough levels to escalate this. Has this been raised with the minister for education in the past?

Mr Palavestra: Education ministers have been out. I have got to be honest; we have had the Chief Minister. The past Chief Minister has been out to observe the intersection. We have had some signage changes as a result of those visits. It has not changed the speed limit. Some modifications each time have occurred, but in reality the key issue of keeping kids safe has probably never really been addressed properly.

MR DOSZPOT: With the changes that have been made at the moment, what is your strategy from this point on? You are obviously asking this committee to do something. Is there a specific action item that you are calling on this committee to recommend?

Mr Palavestra: Our preference has always been for a scramble crossing. We have been advised that that is not practical so we will try and work with the current structure. We will just have to try it, test the waters. One of the challenges has always been my staff. My staff struggle with that duty. I have difficulty in filling that duty as a requirement from my teachers, because they are really anxious about being responsible for students who might be hit on that intersection. That part of it has always been a concern from the staff perspective. We will still continue monitoring and managing the flow of students over that period of time. Hopefully we can get them across the intersection in a larger batch and reduce that potential problem, but I cannot guarantee that until we have actually tested it.

MR DOSZPOT: My final question to you would be this: with the measures that have been taken now, is there any potential to revisit your preferred option, with a combination of the measures that have come in, with reduced speed limits and so forth? Would it make a scramble crossing somewhat more feasible than under the previous conditions? And, taking Mr Coe's question, is there enough foot traffic at other times for it to be a 24-hour measure if it was introduced? These are questions that I would raise. I cannot give you answers on this; this is up to the experts. But is that one of the options that you could pursue?

Mr Palavestra: We have an undertaking that a review will be undertaken by traffic and roads. I am hoping that if things were not improving we would go to our next phase of looking at an alternative. That might be the alternative.

THE CHAIR: Thank you for coming in and providing us with your time this afternoon. We will get a copy of the transcript of today to you to see if there are any changes that need to be made.

SAUNDERS, Ms MARGO, private capacity

THE CHAIR: Welcome, Ms Saunders. Before we begin, 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 privilege implications of the statement.

Ms Saunders: Yes, I do.

THE CHAIR: We have your submission. Could you tell us the capacity in which you appear today.

Ms Saunders: Yes, and I would like to make some opening comments.

THE CHAIR: Yes, indeed.

Ms Saunders: I am here in my capacity as an independent public health policy researcher and analyst. You would have my submission in front of you; as you know, it touches on quite a number of issues. I would like to highlight a couple of important themes that cut across those issues. Those themes are greater collaboration and a public health perspective.

I was very pleased to hear the president of the ACT chapter of the Australasian College of Road Safety tell this inquiry that silos are not helpful. When it comes to protecting vulnerable road users, no-one has a monopoly on information and insights. More sharing of data and research findings would be enormously beneficial.

According to the national road safety action plan, road crashes are a “significant public health risk”. So it is interesting, if not extraordinary, that the public health sector has remained largely outside the road safety silo. The workshops held at the 2013 National Road Safety Forum on vulnerable road users highlighted the need for collaboration with more than just the usual suspects. I was not there, but I am hoping that psychology, sociology, social marketing, urban planning, behavioural economics, public health and health promotion all got a mention.

Why public health? The public health approach puts a big emphasis on prevention. It does this by identifying and addressing underlying risk factors. Public health also focuses on primary prevention, which is about stopping a problem from occurring in the first place. A lot of things that might be effective in preventing road injuries, especially in the longer term, may have little or nothing to do with traditional approaches to law enforcement.

Public health people do not just want to know what people do; we want to know about the causes, and even the causes of the causes. This will allow us to develop interventions that make an effective connection. This is, of course, a basic marketing approach. If you are trying to get people to buy your product, you need to know your audience—how they think and what motivates their behaviour—so that you can tap into that. There has been some good ACT research on this, including the University of Canberra paper which I have tabled and research on young Canberra drivers’ attitudes

to drug-driving by University of Wollongong researchers.

We have benefited enormously from improvements in roads and vehicles, but the human side of road safety has relied heavily on catching and punishing offenders and hoping that these consequences, or the risk of them, will be a sufficient deterrent. Deterrence theory and education have produced considerable gains, but statistics and research on driver attitudes suggest that these gains are plateauing and additional strategies are now needed.

“Road toll climbs despite police appeals”. We have all seen headlines like this. Frustrated police officers lash out with comments like: “You can’t get through to some young people today. You can’t get through their thick skulls.” And: “I don’t know how stupid motorists can get before we finally start getting the message across.” Their annoyance is understandable, but this sounds a bit like organising a party and then blaming people for not turning up.

In public health or in marketing, if what you are doing is producing diminishing returns, you try to find out why; you do not just berate the target group for being stupid. You may need a better message, a better messenger or a whole new approach. Even a great message has to compete with other influences, like identity and social norms. Friendship, masculinity, responsibility, being a fun person—these all form part of those personal cost-benefit equations that we are engaged in all the time. “It says, ‘Don’t walk,’ but I’m late for work.” “I’m doing 80 in a 60 zone, but I promised my daughter I’d be there.” “I know I’ve had too much to drink, but, hey, are we having fun or what?” “I can keep up with the best of them.” “I’m a better driver drunk than most people are sober.” “What am I supposed to do? Just leave the car in Civic all night?”

Basing strategies on the rational thinking which underpins deterrence theory will not work if something, a conscious or subconscious priority, is more important than the fear of negative consequences. Despite ongoing enforcement efforts and public awareness campaigns, many Australians still openly admit to illegal mobile phone use while driving. This includes people in the ACT. Why? Because phone use is more important to them than concern about being punished.

To do something seemingly simple, like decide to comply with road rules, people need to be convinced about the negative consequences of not complying, and those concerns have to take precedence over everything else. Why does that work for some people and not for others? That is an interesting question.

Researchers are urging that we address the underlying factors that influence or reinforce people’s mobile phone use. This needs to begin with examining the perceptions and motives for using mobile phones while driving. Substitute the words “drink-driving”, “speeding”, “obesity” or “smoking” for “mobile phone use” and the point is the same: look at the causes of the behaviour.

No-one wants to be involved in an accident, but unless we have a structured plan and a lot of willpower, immediate gratification can cause us to do things against our long-term preferences. And there is now evidence that willpower does not get stronger the more it is used; it actually erodes. Having to make a lot of decisions depletes our

mental energy and results in decision fatigue and warped judgement.

Thankfully, we can work around the human factor. We can design and build things to minimise injury for whatever reason it may occur. And we can arrange things so that the right outcomes occur more or less by default without having to think about them. This is what nudges in behavioural economics are all about. The challenge is figuring out when and how to apply each of these approaches. This is where public health has some experience.

There have been some positive moves, such as reviews of road safety mass media campaigns, which draw on best practice from public health promotion. But at the risk of sounding dangerously subversive, it would be interesting to see what might happen with a wholesale public health infiltration of the road safety silo, which is currently occupied by transport and law enforcement.

A classic issue at the intersection of road safety and public health is drink-driving. Current approaches are not preventing drink-driving among a portion of the ACT population. These are the repeat offenders, many with mid to high blood alcohol concentrations, and there are the first offenders, most of whom had been over the limit on previous occasions but got away with it. Close to six in 10 ACT drivers say that they have driven when they have been over the limit. Eleven per cent of ACT drivers say that they have been caught and penalised. And a massive 75 per cent of ACT drivers say they are likely to drive above the legal alcohol limit in the future.

Police officers complain that, “Despite our best efforts, people continue to choose to drink and drive. There are still some people out there not getting it.” This sounds like another example of berating people for not coming to your party. People may not believe that they always have a choice, because they do not consider the various decisions that led to that situation. People claim that plans often change, so planning ahead does not work. And alcohol and social influences dramatically affect people’s ability to make the kind of considered choices that the police expect people to make.

Ideally, people will be safe on the roads in spite of, if not because of, themselves. But where changes are called for, they need to be based on a sound understanding of what is actually going on and why. Otherwise our frustration may be due to the fact that we are only applying band-aids to the visible symptoms or, to use the classic public health analogy, placing ambulances at the bottom of the cliff rather than putting fences at the top.

THE CHAIR: I might take a moment to go to your submission. I have a particular interest in motorcycling. On page 4, you have talked about motorcycle training, in particular an emphasis on road craft and skills required for riding safely on the road. You have made some comments about particular groups of riders and their confidence. I have noticed that, where there has been instruction in road craft, motorcycle techniques, riders tend to approach their actions on the road in a better way. But I do not notice that that occurs with cars. I wonder whether, in your comments earlier about how you convince people to act in a particular way, there is something we can pick up out of the motorcycle road craft training?

Ms Saunders: There is a lot going on there in terms of both motorcycle and driver

training. And I know there is a move to stop calling it training and call it development, as they do in junior sport, which has quite positive connotations.

One of the things I have been thinking a lot about is: what are the lessons from the public health approach and to what extent can we draw lessons from other areas? And one of the big things that are going on, certainly in terms of encouraging people to be fit, is the idea of “functionally fit”—that there are reasons for doing things. This is not just something you need to know about in the abstract; it is like, “Hey, you have to be healthy.” Why? It does not hurt; so there could not be anything wrong.

So I have been thinking that maybe we need to take a more functional approach to motorcycle and driver training in terms of making it clear to people why these things matter. It is like, “This is not just something I’m telling you.” But when you’re on the highway driving to the snow or when you’re going down the Clyde to the coast, there is actually a functional reason that you need to know about this. So there are perhaps some opportunities there.

As to the issue with the road craft in motorcycling, I actually was interested in getting more road craft training for a member of my family who was learning to ride. And I knew that that could be available. He could actually have one-on-one training, which I thought would be really helpful. But there was a cost of doing that. It was not part of the normal rider training. It was not a follow-up sort of thing. So that did not happen.

As to the other aspects of the training, I think I have made the point in relation to a couple of things, including the influence of gender. Males and females learn in different ways. They have different attitudes towards risk. They have different relationships with their vehicles, whether it is a motorcycle or a car. So paying more attention to gender in training and development might reap some rewards as well.

DR BOURKE: In your submission you talk about countdown pedestrian lights. Do you know whether these can be retrofitted to existing lights, and can you just go through the benefits of what that might be?

Ms Saunders: I have some updated information about countdown walk lights since I prepared my submission. In the US, all new traffic control signal installations must be fitted with pedestrian countdown timers if the don’t walk interval is longer than seven seconds. The cost of each unit in the US is just under \$US200, and there might be eight separate units at a particular intersection, depending. The feedback from motorists, cyclists and pedestrians is that they all find these lights helpful.

The Australian experience is mixed, but this is based on the use of these devices in fairly recent and limited experimental sites. The Royal Automobile Club of Tasmania is currently advocating for timer lights to be installed in central Hobart and Launceston. So based on that sort of information—I do not know the technical details—the cost of these units does not seem to be exorbitantly expensive, whether they involve something new or a retrofit. I am assuming that they can be retrofitted, from what I have read.

DR BOURKE: And you also talk about the differentiation of cyclists, whether they are non-motorised transport or pedestrians on wheels, and what they should do at

pedestrian crossings. Is it your assertion, as I read in your submission, that cyclists do not know they should dismount at crossings, or what do you think is happening there?

Ms Saunders: I think it is probably a combination, like with lots of public health issues, of don't know and don't care. I do think it is an important thing. Other places where I have lived around the world, you just get used to seeing the cyclists always dismount. They get used to it. I have lived in very heavy cycle cities, such as Oxford in the UK, and cyclists just seem to know the rules there. They certainly did when I lived there.

But I think there is a mentality, particularly among people who cycle a lot, that they think of themselves as just a normal part of the road traffic. It is just that they are not on a motorised vehicle. They have the right to stay on their vehicle. Like the previous speaker said, we are driven a lot by convenience, and if it is inconvenient to get off the bike—you might actually be clipped in with your cycle shoes, it is an inconvenience to dismount and then get back on—you are not going to do it. But I think walking across pedestrian intersections is really important for cycle safety and also for the pedestrians.

DR BOURKE: We have had some different views from some cycle groups who have suggested that it would be appropriate for cyclists to stop and then ride over. What is your view on that?

Ms Saunders: I have a difference of opinion with many of the views expressed by cycle groups. You would have seen from my submission that I tend to favour off-road cycleways rather than on-road cycleways, which is not the position endorsed by a lot of cycle groups. It is just one of those things that I think we are going to differ on in the same way as there are groups who are saying cyclists should not have to wear helmets as well. I think you need to look at the evidence and make a decision.

MR COE: With regard to drink-driving, this might be stretching the scope slightly of the committee, in terms of the psychology of people who are drink-driving, how closely is it linked to the geography of Canberra and the lack of public transport late at night and the drinking habits of people? If people know they have to get a \$50 or \$60 taxi, do they make sure they have a big night rather than just have two or three drinks and be just over the limit? I am wondering whether you could talk us through some of those issues.

Ms Saunders: I am so glad you asked that question. Those issues actually form the subject of a research proposal that was put to the NRMA Road Safety Trust last year, and we did not get it. So thank you. Anecdotal feedback that I have had from young people is that drink-driving does not tend to happen so much, say, between Civic and Belconnen, which is where I live, because people know that there is a high chance of an RBT. But it is happening a lot still in the suburbs.

One of the points that I made in relation to information sharing was that I am aware that the police have fantastic data about last place of drink when someone is stopped. "Where was your last drink? Who were you with? How long were you there? What did you drink? What were your patterns of transport? Where have you been travelling? How have you been getting there? Why did you need to go there?" All of

that information is there, but it has not been accessible to public health people because the police told me that they use it to help target their RBTs. I think that information could be, potentially, absolutely invaluable for lots of other things.

In terms of why the drink-driving is going on, drink-drivers are not a homogenous group by any means. You have your hardcore drinkers where the problem is basically excessive alcohol, and they do not even consider it to be a problem. They just consider it bad luck that they got stopped. There are the social influences. Most of the research on drink-driving, going back 20 years and more in Australia and overseas, confirms that it is social influences that are really important. It is the values that you place on being a member of a group, not abandoning the group, of groupthink, “It seemed like a good idea at the time because everybody was doing it.” Those are really important.

In thinking through the causes of the causes and how we actually prevent drink-driving, it actually gets to those questions: why is it that so many people are socialising at venues and doing activities that involve the consumption of alcohol? I grew up in a country where the legal drinking age was 21. You had a very large cohort of people for whom drinking was not the default social option. So there had to be a whole lot of other venues and activities available for people under the age of 21 that did not involve alcohol.

When I came to Australia and I did not see that, I thought it was very strange. You drive through some country towns and you would be hard pressed to find any social venue that did not really involve alcohol. The same thing seems to happen in Canberra. But I am not blaming venues and activities. It is all about the culture of drinking. Even when young people and middle aged people get together at each other’s houses for private parties, it is all about alcohol.

I know a middle aged, blue-collar man who does not drink and yet when he turned up at a social occasion and politely turned down a drink, the host said, “Do you have a problem with alcohol?” No, he did not have a problem with alcohol; he just is not interested in drinking. So there are a lot of assumptions and social norms that get to the heart of these things.

I have no doubt that the geography of Canberra has a lot to do with it, but even that is overlaid with stigmas and perceptions. When I asked young people why they did not consider taking the Nightrider bus when that was available, because I thought that was a really good option, it was like, “No. Would you be able to drive us? We’ll pay for your petrol. We’d rather do that than take public transport.” So among certain groups in the ACT there is a sort of stigma associated with taking public transport. It is like the Nightrider bus—“That would be full of drunk people!”

The problems are really complex. That is why this is called a “wicked problem”, because there are a lot of stakeholders, a lot of problems and a lot of things involved in the solutions.

MR WALL: In your submission you talk a bit about driver training. I think you have highlighted some shortfalls in training because it does not offer the road conditions that drivers experience, not necessarily within the ACT but when travelling interstate.

Did you want to expand a little on areas where you think improvements could be made?

Ms Saunders: ACT driver training focuses on ACT roads. When you look at what happens to young ACT drivers in particular—and I would not say that young drivers have a monopoly on bad driving by any means—there have been, I think, too many instances of young ACT drivers coming to grief between the ACT and the coast and on the Monaro Highway between the ACT and the snow. From what I have seen and from what young people have said to me, there is a mentality that once you get your licence, you know how to drive.

In my view—and I know other parents who feel that they would not let their children drive down the Clyde to go to the coast without having been a passenger, paying a lot of attention on that drive on many occasions and also sitting there with parental guidance and basically practice, practice, practice. It is just that the road conditions outside the ACT are very different than the conditions inside the ACT. And I would like to see more attention given basically to having that acknowledged. I do not necessarily have all the solutions, but there is a very strong driver training community within the ACT, and that includes motorcycle training. And I think they would be in a position to come up with some proposals for addressing that.

MR WALL: Do you see much benefit in training for specific conditions in a controlled environment, on a driver training course with a wet road surface and those sorts of things, to improve skills for novice drivers and riders?

Ms Saunders: I am not an expert. I know the NRMA has put a lot of effort into developing simulators to try to do that. I have seen some of the training of police officers and other professional drivers occurring on the skid pan. This was a number of years ago out at Majura Road, and it looked pretty effective.

It is certainly true—and I talked before about functionality and an emphasis on “Look, there are real reasons for knowing how to do this”—that young drivers get out on the road and they are confronted with things like motorcyclists following very close behind them, having to overtake heavy vehicles, and they just have not had any experience in doing that.

I do not know whether driver simulators—like I said, I am not an expert—are the best way of addressing that. I do not know what is the best way, but I just think that if you look at the factors that were relevant to accidents and the prospect that we are going to have more motorcyclists on the roads, more heavy vehicles, I think giving attention to this issue is important. It has been my observation that probably there has not been enough attention in the past. So I just wanted to highlight that.

THE CHAIR: Thank you very much for your time this afternoon. The secretary will send a copy of the transcript of today to you in the next few days so that you can check for any transcription errors.

FLINT, Mr PAUL, Executive Director, Council on the Ageing (ACT)

THE CHAIR: The committee will now hear from our next witness, Mr Paul Flint, from the Council on the Ageing (ACT). Good afternoon, Mr Flint. Thank you for coming along this afternoon. Before we begin, can I remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement that is before you on the table. Can you please confirm that you have read that statement and understand the implications?

Mr Flint: Yes.

THE CHAIR: Thank you very much. Would you like to make an opening statement? We do not have a submission from COTA at this stage.

Mr Flint: COTA has been involved in road safety issues for many years. Unfortunately, this is the busiest time of the year for us, and that is why we have not been able to prepare a submission. I was given a number of questions, so I will give a bit of background regarding our involvement.

Approximately 17 years ago we had an experience where a brain injury person from Hughes rolled his mobility scooter into the gutter straight outside our window. This created significant interest because he was under the scooter and could not get out, and we went out and assisted. We then started to look at the issues around mobility scooters.

We have also been involved in a variety of other things. COTA have contributed to or developed themselves the ACT older drivers handbook; the ACT retiring from driving booklet; *Coming of Age*, which is a safety video for older drivers; Overdrive—the road safety refresher course; the scooter safe drivers guide; the scooter safe trainers handbook; *There's Something About Scooters*, which is a video; Livedrive seminars; and the older persons road safety needs analysis. We also host the Livedrive website, which is a road safety website funded by the NRMA Road Safety Trust.

That is the longer background to the issues. Four years ago I gave a paper to the ACCC, which was interested in mobility scooter safety. In that I outlined a number of things about scooters that were of concern, and the biggest concern is that we really do not have an appropriate policy framework for them. Something that was hinted at by the previous speaker about cycles is worse with scooters because there is no separate category for them and they are technically treated as pedestrians. This leads to a lot of uncertainty about what the road rules are in relation to them and what is appropriate, and makes any educative effort in relation to scooters very difficult. In summary, we would see a major issue with scooters being the policy framework.

We have been asked what the issues are with older pedestrians. We all know that older pedestrians are over-represented generally within pedestrian accidents. It is very easy just to highlight the physical issues with sight, hearing and balance leading to being less accurate in estimating vehicle speeds and therefore meaning that inappropriate decisions are made. But I think there is also a broader educative issue. We are finding that fewer people seem to be remembering the things they were taught

at school about road safety and, as the previous speaker outlined for a number of other issues, the urgency of ease becomes more important, so you go straight across the road rather than going around to pedestrian crossings. So there is a general laxness that we often observe.

In the area of older drivers, which was the other question that was asked, the issue that we see is the retiring from driving type issue and also, as was raised before, that there are adequate and appropriate alternatives to driving. That is a key issue in whether people feel they need to drive when it is more marginal.

With older drivers, the evidence is that they do modify their driving habits quite significantly and wish to remain safer drivers. We would be very supportive of more effort in that area. One of the questions that was asked was to do with testing of older drivers. Our approach has always been that we have tried to take an educative approach. We would not support blatantly ageist policies as far as testing goes. In the past we have recommended policies that would allow that type of testing to happen generally across the broad range of ages. If you were going to do it, you might do it every 10 years and try and upgrade skills as part of that process.

There was a final question about Segways. There are two things. On one hand, if you are looking at a special category of rules for Segways, that really brings into question why nothing has been done for mobility scooters. On the other hand, the issues that a lot of older pedestrians have with bicycles would apply to Segways—that is, hearing them, knowing they are coming, the differential speeds of the vehicles versus the pedestrians and, of course, the difference in injuries if there is an accident. I would like to hear your other questions.

THE CHAIR: Thanks very much. Mr Wall?

MR WALL: Thanks, Mr Flint, for joining us today. I want to ask a bit more about mobility scooters. Obviously, they are becoming considerably more prevalent as they become more affordable. Have you had much feedback from your members as to how they interact generally with other traffic, such as cyclists, pedestrians and the like? Do you think there needs to be more structure or awareness of whether they are a vehicle or a pedestrian when they are being utilised?

Mr Flint: To answer the last question first—that is the easy one—they are neither a vehicle under the road rules nor are they actually a pedestrian, although they are under the road rules. That is the difficulty.

As far as interactions with other groups go, there are other older people that are pedestrians that make those comments that I mentioned before—hearing them coming, the differential speeds. They are concerned. The only specific laws in Australia that relate to mobility scooters are the ones in Queensland, as far as I know. They were actually generated because other older people were concerned about the insurance implications of being run over by a scooter. So it is a dual issue.

If I wanted to be controversial, I would ask: why is it that on-road cycle lanes are not able to be used by mobility scooters? Why don't we have a debate on that issue? There are lots of ways that we could better manage the environment from a road

safety perspective if we treated them as a class of their own and if we then could set the appropriate rules. But it is very hard to have a strong educative campaign. For example, if I asked you on which side of the road should a mobility scooter go on a domestic road, what would you tell me?

MR WALL: That would be determined by whether they are a vehicle or not.

Mr Flint: No, under the current rules.

THE CHAIR: They are treated as a pedestrian, I think, so they would go on—

MR WALL: They would travel towards the oncoming traffic.

Mr Flint: That is right, but as soon as that happens, there is a public outcry about it. I know of cases where the police have been rung. There is a lot of confusion within the community about how we treat them because there is recognition that they are not pedestrians. Under the common use, they are not actually a mobility aid as technically defined for most people, because they go out and buy one. So there is a whole state of confusion about them and their appropriate use.

MR WALL: A number of witnesses and submissions to the committee have talked about inconsistencies in road design. Yesterday one witness spoke about where a footpath lines up to the road and you have the kerbing to get onto the road surface, but when you get to the opposite side the kerbing does not accommodate a wheeled vehicle making it up to the footpath again. What do you foresee as some of the dangers of those sorts of inconsistencies to people in a mature age category?

Mr Flint: That incident that I mentioned at the beginning was the consequence of poor design. It has been redesigned twice, I think, since then, maybe three times, and it is still a poor crossing. As a community, the better our facilities are, the better it is for the users, whether they are mobility scooters or pedestrians. Pedestrian usage is a major issue for older people. So it is extremely important. The government will always tell you about the cost of footpaths in the budget. It is a major item. So, yes, it is a concern.

MR COE: Mr Flint, has the council ever been approached by the government, whether it be TAMS or planning, to provide feedback about new estate plans or new subdivisions?

Mr Flint: Yes, we are often asked to be involved, whether it is for Molonglo, the redevelopment of Civic or other places.

MR COE: With the feedback you have given, generally has that been well received and incorporated?

Mr Flint: Yes. Since that initial incident there is general concern about design and accessible design. We have been involved in that over the years, both at the building level and at the general community level, in relation to transport, buses and all sorts of things. But that does not necessarily mean that everything is perfect. There is still a lot of previous design within the city we live in. There is also still that issue about how

much infrastructure we put in and whether it is adequate—whether another set of lights, another pedestrian crossing, another gutter built the right way is needed. That is an ongoing issue.

DR BOURKE: Mr Flint, you talked about regular testing for drivers. I think you suggested every 10 years after someone has got their licence. What sort of testing did you have in mind? What form would it take?

Mr Flint: This is an approach to upgrade skills of drivers across the board. Ten years was picked because most research shows that, for almost 10 years, until people get to 25 or whatever, their driving skills improve, from when they get their licence. That is why that particular figure was picked.

The issue is that there are always changes going on to road rules and road conditions. As a community, do we want to continue to improve our skills or do we just allow people to think they are doing a good job? In most professions there is a requirement for professional upgrade throughout the life of your profession. The fundamental question is: is driving such a profession? Should we all be upgrading our skills as we go and should there be some sort of reasonable framework to do that? Or do we just rely on a few ads in the paper when a road rule changes or when cars develop new technology? Do you drive differently if you have a new car compared with an old car? Most people just get in a new car and drive away. The question is: is that appropriate?

DR BOURKE: We had some evidence yesterday from ANCAP—the people responsible for testing cars and working on safety ratings—talking about the kind of technological innovations for cars and the capacity for what might be called smart cars, which actually relate to each other and understand the surroundings around them, and that this will make significant inroads into road safety. The witness also was talking about the capacity of people not necessarily to be better trained as drivers but to drive better, and regarded that as being a bit of a wild goose chase—something that was not going to be achievable—and that we would be much better off sitting around and waiting for better technology. What do you think about that?

Mr Flint: That is alright, but we all drive now. So you can wait if you want to, but we could actually do something. The issue comes up about testing at 85 or whatever. That comes up as a perennial issue. It would be very easy to implement something like that, but it may not be the most productive way from a broad community viewpoint.

THE CHAIR: Mr Flint, going back to scooters and their operation, you suggested perhaps a different policy platform for scooter use. Are you aware, from the work that you have done with scooters, of whether they have to fit in to a design rule category, or can you just buy anything?

Mr Flint: You can buy it. One of the issues with scooters is that different scooters are designed for different things. There are scooters that are designed to go basically indoors only, there are other scooters that are designed to go to the shops and there are others that are designed to go around golf courses. Most people only buy one and use it for whatever they need it for. So that is an issue. There are other things about the design. For example, some scooters that you can buy cannot go in our wheelchair-accessible taxis—because of their size, they cannot tie them down. There are issues

there. We do not have a design rule that says, “This is an appropriate road-going scooter.”

The other aspect is that, for example, European scooters have multiple speed switches on them so that you can have it limited when you are in a shopping centre and places like that and you can have another speed for when you are going along on the road. So it might be appropriate to go at different speeds in different environments and you can build that into it, if we had those sorts of rules. But we do not. That was one aspect of the work of the ACCC and they are trying to make the scooter safer from a design point of view.

The other thing is that, unlike other categories where it is the driver that is registered and responsible and rules apply to them, in the case of scooters it is a scooter that becomes a pedestrian, and it is the scooter that is the rule. So there is a bit of an anomaly there. Currently, you do not have driver qualifications for a scooter, for example. You do not have licensing of it or other things to do with the scooter itself. So that means there is a lot of uncertainty around it.

THE CHAIR: I was more concerned about the example you gave us of the incident several years ago where it rolled close to your building. Obviously, because of the particular design, if it is on an angle then it can roll over.

Mr Flint: The problem there was that the gutter was too steep. That was the problem. It was a reasonably good outdoor-type scooter, a four-wheeled scooter.

THE CHAIR: There being no further questions, thank you very much, Mr Flint, for coming along this afternoon. We will get to you very shortly a copy of today’s transcript to see if there is anything that needs to be checked.

Meeting suspended from 2.23 to 3 pm.

HAWKINS, Mr WALTER, Principal/Practice Leader, Maurice Blackburn Lawyers

THE CHAIR: Welcome back to the committee's hearing on its inquiry into vulnerable road users. I remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement which has been sent to you. Could you please confirm for the record that you understand the privilege implications.

Mr Hawkins: I do understand the issues.

THE CHAIR: Could you state the capacity in which you appear today.

Mr Hawkins: I am the principal and the practice leader of the Canberra office of Maurice Blackburn Lawyers.

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

Mr Hawkins: I would; thank you. On behalf of Maurice Blackburn, I want to thank the committee for the opportunity to make a submission and for being called this afternoon to give evidence. I have prepared a precis; with your permission, I would like to hand that up.

THE CHAIR: Yes, please.

Mr Hawkins: The precis contains eight recommendations; those recommendations are expanded upon in the actual submission.

Recommendation 5 is:

... that forward stop boxes be introduced at road junctions and that road rules be changed to allow lane filtering.

Since the lodging of that submission, the New South Wales government announced—last week, on 25 February—the introduction of a new law that will permit fully licensed motorcyclists to legally filter past stationary vehicles at intersections when it is safe to do so. Riders will be able to filter at a speed of 30 kilometres an hour, but the new law will not apply to school zones during the hours of operation when there might be an increase in pedestrian activity. Compliance with other road rules are maintained—overtaking on the left of vehicles in the kerb-side lane which is adjacent to the pedestrian pathway, and travel in the breakdown lane or when filtering around trucks and buses.

In the precis, I have provided you with a link to the relevant minister's release, which expands upon it and gives some additional explanation. I have also provided a second link in that precis which will take you to a video of lane filtering which has been produced by my firm and which has been put up with the cooperation of the various motorcycle groups. It has been posted by Maurice Blackburn as part of the ongoing SMIDSY—"Sorry mate I didn't see you"—campaign. The video link shows how lane

filtering is safer for motorcyclists; it also, of course, assists in easing traffic congestion. Indeed, one of the main reasons advanced by the New South Wales government was to alleviate road congestion, particularly on Sydney roadways.

Recommendation 8 includes that:

... the ACT Government conduct a feasibility study into the impact of introducing a strict liability on vulnerable road users.

In our view, this would give greater certainty for those vulnerable road users who are injured to obtain treatment and rehabilitation and also to facilitate a change in attitude amongst other road users to one of more mutual respect and understanding. Such schemes are already operating overseas. Indeed, a report on strict liability from Cycle Law Scotland which was produced on 18 December 2012 found that the United Kingdom was only one of five countries in Europe at that time that did not operate strict liability for vulnerable road users.

I welcome any questions or clarifications—indeed, any concerns that any of you might have with respect to the submission.

THE CHAIR: Thank you, Mr Hawkins. Mr Wall.

MR WALL: In your submission you quite extensively mentioned lane filtering and also stop boxes for motorcyclists.

Mr Hawkins: Forward stop boxes, yes.

MR WALL: Do you want to explain to the committee how they might work in practice in the ACT?

Mr Hawkins: In practice in the ACT, you can see how they might work if you see where they are in operation. For example, forward stop boxes are in operation in the UK. They provide a space prior to the line of vehicles that are stopped where cyclists and motorcyclists can be. It gives them a distance advantage on the changing of lights and so forth so that they can accelerate away and be out of the more mainstream flow of motor vehicle traffic.

MR WALL: Do you perceive that there would be a safety issue that could occur if that was to be introduced in the ACT—you mentioned it would be shared between cyclists and motorcyclists—given that you have got two vehicles that would be travelling and setting off at a different speeds?

Mr Hawkins: Of course, you would have to also have regard to other road users and motor vehicles, particularly car drivers. You would need to ensure that there was appropriate education of the community. That can start both in the obtaining of learner's permits and so on, but also in relation to potential media campaigns in relation to why those changes are being implemented and why they are of benefit to all users of the road, not just the particular vulnerable road users.

MR WALL: You mentioned that New South Wales is introducing the legislation but

that it only applies to fully licensed drivers.

Mr Hawkins: It is fully licensed drivers, and there is a maximum speed of 30 kilometres per hour. And of course it has to be reasonable in the circumstances. Sometimes people think of lane filtering and have an image of lane splitting. Of course, they are very different concepts. The lane filtering will allow the motorcyclists to move between the various lanes of traffic in a safe and controlled manner where it is safe to do so.

MR COE: Based on your experience, especially in cases where people have gone before the courts in search of compensation, what role have road engineering and the environment tended to play versus human error?

Mr Hawkins: Most accidents are preventable. There can certainly be human error. One also has to be mindful of the particular road conditions. Through the submission, there is reference to where there is work conducted on roads. Sometimes there may be tarring of particular road surfaces that can lead to a certain degree of slipperiness, particularly in relation to people using motorcycles. Also, sometimes where there are redundant road markings, there needs to be care in the removal of those road markings so that the slipperiness does not remain.

MR COE: Has your firm ever successfully taken on the ACT government with regard to the safety of roads, or has it always been a case against a driver?

Mr Hawkins: There are no immediate cases that come to my mind in relation to our firm locally with respect to those cases, but now, with the accident notification forms, there is a requirement, if there are other factors that may have led to the accident being caused, to identify those. So there is provision and an opportunity for persons to turn their mind to those other factors. Certainly there can be situations where, for different reasons, there may be some hazards that are there on the roadway that have contributed to the cause of the accident.

MR COE: I understand that the ACT government cannot be liable for dangerous conditions created by roads, but a contractor could be in, the event of doing roadworks. Is that correct?

Mr Hawkins: What I am saying is that it would depend upon the actual circumstances. Our system at the moment is based upon the law of negligence, so you would have to show fault in those particular circumstances and that that fault or that negligence has had a determining effect on the cause of that accident.

MR COE: That form or that data collection that you were talking about—

Mr Hawkins: It is not necessarily one of data collection, but of course it could be used for that. We have a scheme in the ACT for persons injured in motor vehicle accidents. The making of a claim necessitates the completion of a motor accident notification form and a notice of claim and additional information form with respect to that accident, and a medical report. Each of those forms requires some completion by the person who is injured in the accident. The accident notification form is an excellent initiative because it provides for the submission of that form within 30

working days of the accident; then the relevant insurance company can make payments up to an amount of \$5,000 and for a period of six months. So we can ensure early rehabilitation of that particular person who is injured and it cannot be seen as an admission of fault or of liability with respect to the accident.

In other words, if the insurance company did make payments pursuant to the appropriate lodgement of that form, at a later stage, if something came to their attention that would indicate that the particular insured was not responsible or liable, the person making the claim could not point to the acceptance of that form and the making of those payments as an admission of liability.

DR BOURKE: In the submission you talk about the difficult position of cyclists being on the road and subject to road rules and then being on footpaths and treated as pedestrians. You have cyclists using the roads and then at traffic lights wanting to cross the intersection as though they were pedestrians. What sort of issues does that bring out?

Mr Hawkins: If we are talking about particular situations, we can see that in Canberra city there is the ring road, which is a marvellous initiative. I am a keen cyclist myself, but of course we are all pedestrians at different times. What I have found on some occasions in relation to that is that it depends on how it is situated. Although it can ensure the flow of cyclists, there are some locations where the cycle path is on the footpath, and on other occasions it is on the roadway. Sometimes, if pedestrians are crossing that roadway, it necessitates stepping off the kerb, and then it goes into a cycle path. And then there is a barrier, which is another step off, which can, on occasions, possibly present a tripping hazard.

In relation to some of the other points that you raise, in relation to pedestrian crossings, cyclists at the moment are required to dismount rather than cycle across the pedestrian crossing. There are different schools of thought as to whether that is the most appropriate way of dealing with cyclists when they are crossing roads at pedestrian crossings. Some schools of thought would suggest that cyclists should not have to dismount, but, obviously, should modify their speed accordingly to the situation.

DR BOURKE: Which school of thought do you adhere to?

Mr Hawkins: My school of thought is that one obeys the road rules. The rules are there for us to adhere to. If, as a cyclist, I have got a green light, I should be able to proceed with every confidence that another road user is not going to disobey the traffic signal that may be facing them. I think it is vitally important.

DR BOURKE: If you are riding along the footpath, you come to a pedestrian crossing and there is a green walking person, do you think it is the appropriate thing to do—well, it is the law—to get off your bike, walk your bike across the road and then get back on your bike and ride on—or, if you are on a zebra crossing in the middle of a cycle path, such as the one that runs up through north Canberra, and that is what the law says you should do—

Mr Hawkins: That is what the law provides at the moment.

DR BOURKE: But do you think that is sensible? We have had people say that this is something where the law should be changed. Other people say it should be more enforced. I just want to get your opinion on that.

Mr Hawkins: My personal view is that there are significant numbers of situations where cyclists may not comply with that particular road rule. As a consequence of that, I think you have to look at whether or not there may be alternatives. I think consideration may have to be given to the situation where a cyclist, if they do come up to a crossing, may not have to dismount but should adjust their speed appropriate to the situation, which, in my view, would ordinarily be more akin to the speed of a pedestrian crossing that roadway. So you would not have situation where, potentially, motor vehicles coming up to that crossing have to deal with persons crossing that crossing at various speeds, making it quite difficult to adjudge their own speed and whether they should be braking or not braking to avoid situations where, in their mind, someone is proceeding across that pedestrian crossing such that, when they have done a view before, they may say that they are taken by surprise.

DR BOURKE: So the view expressed to us that the law, that when cyclists approach pedestrian crossings they stop and then ride onwards, should be changed would seem to satisfy what you are looking for.

Mr Hawkins: That is quite similar to what I am suggesting.

THE CHAIR: I would like to come back to the submission and some of the comments you made earlier, particularly in regard to motorcyclists and filtering and boxing. You have said that there have been some recent changes in New South Wales, which I remember reading about, and that it occurs in the UK as well. I am just concerned about angst that motorists would have with motorcycles going past them whilst they are stationary.

Mr Hawkins: That is part of the education requirement, because the road is for all of us to share. All of us need to be responsible. We may all drive, but there are going to be other situations where we are all pedestrians. But we may not all be cyclists or motorcyclists. Certainly in New South Wales they ran a trial last year. That trial was not state wide, it was not Sydney wide; it was in defined areas. My recollection is that it may have been at defined times. But I cannot advise this committee on the source and locale, I am sorry. I can certainly take it and report back if it would be of assistance.

THE CHAIR: That would be good. Also, just in relation to boxing, would there be any need to modify the traffic light trip system, if you will? Traffic lights are tripped by the mass of a vehicle usually. I am not sure about the actual size.

Mr Hawkins: It would be a similar situation to what you may have now. I do not know the technicalities of the tripping but, on occasion, you may find that there may be an extended delay, if you are a cyclist to cross a road, for the appropriate signal to come up.

THE CHAIR: And the other point I wanted to talk to you about, which you have just

touched on, is public education. You have said in recommendation 7 that education is a key initiative. What sorts of programs do you think would need to come forward?

Mr Hawkins: I think education has to start at the learning stage where licences are being given to persons. It should be a necessary requirement of that education to ensure awareness that there are other road users, particularly other road users that may be vulnerable. And then otherwise, for drivers that are already licensed, there may have to be a media campaign and/or the supply of material to drivers of registered motor vehicles on information about that campaign. When they are renewing their licence, they would at least see that information and also be referred to other places to get information by way of websites and those sorts of things.

DR BOURKE: On page 11, could you expand on the concept of this 1.5-metre passing separation between drivers and cyclists? Would it also—

Mr Hawkins: The 1.5-metre rule?

DR BOURKE: Yes. We have heard some evidence about it working the other way where cyclists are going past stationary cars, the 1.5-metre rule might reduce the incidence of doorings.

Mr Hawkins: Doorings are always a hazard for cyclists. Certainly, there needs to be a recognition by motor vehicle operators, when they are opening doors, to have a look to see whether or not someone is coming. My understanding is that there is a possibility of affixing small mirrors so that it increases the visibility from one's rear view mirror, but I think there needs to be a real observing to see what is happening.

In relation to cyclists, when you are travelling up roadways where there is a possibility of doors opening, it is absolutely necessary to be vigilant because if a door is going to be opened and you crash, it is going to hurt.

DR BOURKE: It does.

MR COE: But if the road rules were to change to mandate a metre or a metre and a half passing distance for motorists, do you believe that that same rule should apply for cyclists passing a parked vehicle?

Mr Hawkins: At the moment there are some issues in the sense of the space between the vehicles that are parked, whether they are parked quite proximate to the kerb or a little further out from the kerb. Vehicles that are parked are not necessarily all in the same alignment. So one would have to be mindful of that. Equally, the cyclists, as you are cycling along, need to be mindful of doors possibly opening and give yourself that maximum space that you can have in the circumstances.

In relation to motor vehicles passing cyclists, I think it is a very important initiative, (a) because it gives the cyclist that space when vehicles pass, it gives that necessary space so that they are not going to be struck; and (b), and possibly more importantly, if a cyclist has an accident and it may involve another motor vehicle and they fall to the ground, there is a very high risk of injury from subsequent motor vehicles actually causing more damage to the cyclist than perhaps the initial motor vehicle that has

been involved in the collision, because it could well just be a slight clip or whatever, you lose balance and all of a sudden you are sprawled on the ground and it is the following motor vehicle that can cause quite severe injury.

MR COE: With regard to that complexity for a cyclist passing a parked car, especially if the parked car is not in alignment, could not that same problem exist for a motorist if there are numerous cyclists or cyclists' lines are changing?

Mr Hawkins: There is also the singular cyclist who ordinarily would be as far over to the left as they possibly can, and if they have got a cycle lane, they are within that particular lane. Beyond that, cyclists have to be mindful of the situation that it is much safer to cycle singly rather than two or more abreast.

MR COE: Legally they can ride two abreast, under the road rules.

Mr Hawkins: That is right, but they just need to be more mindful of the fact that it is a bigger space and it has to be appropriate in all the circumstances.

MR COE: So with that in mind, could it actually be better drafting to have rules that say that when passing a cyclist you should allow a couple of metres of bitumen to the left rather than mandating the distance between the cyclist and the car?

Mr Hawkins: Are you saying encourage motor vehicle operators to have a couple of metres of bitumen rather than 1.5?

MR COE: I mean actually mandating the distance from the kerb as opposed to the distance from the cyclist.

Mr Hawkins: The actual identification of a distance then becomes an easier thing to promote and to make people mindful of. Mandating a particular distance does not necessarily mean that there is always going to be someone there observing that distance and possibly issuing an infringement notice or something like that if someone is within that distance. So it is also partly about encouraging people to have appropriate space from the cyclist.

MR COE: So if a motorist has to always be more than a metre away, say, from a cyclist, does that mean that cyclists can never be at fault because the obligation is completely on the motorist?

Mr Hawkins: If we are talking about a strict liability situation, the presumption would be that the fault would be on the motor vehicle operator rather than the cyclist. But the motor vehicle operator would be able to dispel that presumption by showing that the cyclist was negligent in appropriate cases.

DR BOURKE: Coming to strict liability, which I note is promoted in this paper, we had some evidence from the Law Society who seemed to be less in favour of strict liability as opposed to some sort of cascade scheme which they were not able to explain to us in a way that we could possibly understand. They said they would give us a paper. That is correct, is it not? Pretty much. The government is already proposing a no-fault scheme. How is that all going to fit together?

Mr Hawkins: The no-fault scheme, as I understand it on the reading of the particular bill which also came out on the 25th, is dealing with catastrophic injuries and the system we will have is essentially the New South Wales system. So it will be dealing only with catastrophic injuries.

There will be all those other accidents that will not fit within the definition of a catastrophic injury, and usually a catastrophic injury will be something in relation to brain injury or other serious-type injury. Also, my understanding of the New South Wales scheme, it being a no-fault scheme for catastrophic injury, is that initially it has a two-year period where people go into that scheme and then the situation can be reviewed. So it is not necessarily a lifetime care scheme for all persons who initially fall within the scheme.

DR BOURKE: So what you are saying is that there would not be any conflict between that and a strict liability scheme?

Mr Hawkins: The care for catastrophic injury is supposed to be a no-fault scheme, or at least the model that is proposed is a no-fault scheme as opposed to a situation where there is fault.

DR BOURKE: But if you had strict liability, the presumption would be that the vulnerable road user was not at fault anyway?

Mr Hawkins: Unless that could be displaced by the motor vehicle driver. The catastrophic injury scheme, when we are talking about fault, would apply to a single vehicle collision where there is a catastrophic injury or a situation where you might have a vehicle operator and passengers and the vehicle operator is at fault and there is an accident and the passengers ordinarily would be able to claim under the existing fault-based scheme. And the operator of that vehicle, if it was catastrophic injury and they satisfied the requirement, would also be able to go within that scheme.

THE CHAIR: Would they also be covered if the operator of the vehicle has not paid their—

Mr Hawkins: I would need to look further into the legislation itself and look at the situation in New South Wales where that is operating, because we have a situation now in accidents where it is fault based. If, for example, there is a collision between a motor vehicle and a cyclist and the cyclist is unable to identify the motor vehicle—they may be hit, struck their head, had no recollection of it, or it just cannot be identified for other reasons—there is a nominal defendant whereby if you can satisfy due search and inquiry, a claim can be made against the nominal defendant so that that person who has been injured still has recourse to compensation.

THE CHAIR: Thank you very much for coming along this afternoon. We will get a copy of today's transcript to you to see whether there are any changes that you might need to make.

Mr Hawkins: Would you like me to provide information on the trials that were held in New South Wales?

THE CHAIR: Most certainly, that would be very helpful, thank you.

STRANG, Mr PETER McKENZIE, Canberra Manager, GTA Consultants
VAN DEN DOOL, Mr DICK, Director Active Travel, GTA Consultants

THE CHAIR: We now welcome our next witnesses, Mr Peter Strang and Dr Dick van den Dool, from GTA Consultants. Before we begin can I remind you of the protections and obligations afforded by parliamentary privilege. I draw your attention to the privilege statement before you on the table. Could you confirm for the record that you understand the privilege implications of that statement?

Mr Strang: Yes.

Mr van den Dool: Yes, I do.

THE CHAIR: We have your submission and the documents provided today. Would you like to make a statement to the committee?

Mr Strang: We thank you for the opportunity to speak to you today and to embellish upon our presentation. As you can see, there is a little bit of new material. I would just like to say, first all, that GTA is a traffic and transport consultancy that is active around the country. We have an office in Canberra and we do a lot of active travel work—walking, cycling and public transport. We have had involvement in some research work in the ACT through an NRMA-ACT Road Safety Trust grant where we looked at cyclist safety. That was done a couple of years ago.

Our submission, as you have seen, includes some international research findings that are not commonly available because they are written in Dutch. Thankfully, my colleague Dick van den Dool is Dutch so he could translate it. We used some of our own experience in the territory and from our research work to make some recommendations to improve the environment for vulnerable road users in the territory.

We certainly do not intend for our submission to be comprehensive. It is fairly focused. We acknowledge that Pedal Power and the Amy Gillett Foundation have produced very worthwhile submissions. I guess our submission is complementary to theirs. On that note I will hand over to Mr van den Dool.

Mr van den Dool: I will briefly pull out some ideas and concepts that we identified in our submission. The first issue is that of crash analysis and available data. Often we focus on fatal crashes, of course, because these are the most serious of crashes, but they do not tell the whole story more often and they do not always get it all right. In many cases, the bicycle crashes in Holland, for example, are very similar to bicycle crashes in our country. The fatal crashes are down but serious injury crashes are, in fact, showing a reverse pattern; they are going up, even in Holland. It is the same pattern here, I understand. Similarly with pedestrian crashes, they are also going up in terms of serious accidents but are going down when it comes to fatal crashes. That is what you can see in figures 1 and 2 on the second page of our submission.

The second thing I wanted to highlight was that, of course, Holland is very different when it comes to cycling crashes in particular. It is a very different beast in Holland,

but there are still very many similarities when it comes to bicycle crashes, especially serious injury crashes, in Holland and Australia.

A couple of issues we have highlighted in the process include, for example, the types of crashes that happen. Many bicycle crashes are single-vehicle crashes. They are not crashes with other cars and they are not crashes with pedestrians. They are simply cyclists falling off their bicycle for one reason or another. In Canberra we have many pathways, very similar to Holland, where cyclists ride and the quality of the pathways is not always equally good. There are things like bollards and things like ruts and tree roots. These are really big issues and they can cause serious injuries to people on those pathways.

There is a whole range of other elements that we have identified in the document in that context. Some of those, for example, are identified in figure 3 on page 4 of our submission—things like slippery surfaces. Often it has to do, in Holland, typically, with ice and snow. Here it has to do with leaf litter and other rubble material and branches on the pathways. They cause problems. They can also be on the roads. So maintenance is a key issue.

In Holland the footpath is often adjacent to the cycleway and cycleways are often adjacent to the kerb and gutter off the general roadway. Again, they are a cause of hazard for cyclists that are dislodged from their vehicle. Bumps along pathways et cetera—all these things—are very common both here and in Holland and can cause serious injuries to people using them.

The other thing I wanted to highlight is that there are also serious injuries involving crashes between bicycles and motor vehicles, although in Holland they are not nearly as common as single-vehicle crashes. That is an issue here. It is also an issue in Holland, and often leads to even more serious injuries. In fact, injuries with multiple vehicles and bicycles often lead to much more serious injuries than would be the case with single-vehicle bicycle crashes.

One thing that people like to think about Holland is that the Dutch are 30 or 40 years ahead, if not longer, in terms of making cycling safe. Especially in the realisation of the trends in serious injury crashes, that is not the case. There are still some serious issues that even the Dutch are learning from. I have identified four of those in our submission to you, which run from the bottom of page 3 through to page 4. I have further highlighted in the supplement we have given you—I do not have it in front of me; it is on the front page of the supplement we have given you—how it relates to this. I quickly draw your attention to that.

In Holland, traditionally, we have had a road network that is shared one way or another between bicycles and general traffic. We have come to realise only in the last five or 10 years, maybe, that cycling and general traffic do not go together all that well. So they have started to untangle and segregate the bike network from the road network. The general traffic stays on the major roads, like Northbourne Avenue, and the bicycles go to the adjacent residential street network. What are the street names that we can copy? Mort Street? It is virtually a parallel network to Northbourne Avenue. It is to separate out the walking and cycling network from the motor traffic network.

That is step 2 that you see in there. Step 3 is providing excellent crossing facilities across the side streets at the cycleways which are crossing at that point. In many ways, it is a simple answer to making cycling and walking safer for vulnerable road users.

Another element that is emphasised on the next page is that in Holland they use a lot of cycle tracks. Cycle tracks are effectively bicycle paths that are separated from general traffic and separated from pedestrian traffic. So you have the footpath, you have the cycle path and then you have the roadway. Those issues are causing problems in Holland, especially at the side streets. They are learning that in other jurisdictions. In Sydney, for example, they have built the Bourke Street separated cycleway. They have had to deal with all the intersections individually. Intersections need to be treated very carefully. If the ACT government were to consider separated cycleways along, for example, Northbourne Avenue, the intersections would require a very great amount of attention to make sure that it is safe for both walking and cycling.

The separate issue I have already touched on in terms of untangling the network, but it is very much a last step, and that is, crossability of all the street networks. Even if you have a great cycleway—like, for example, the Sullivans Creek cycleway; it crosses a number of side roads—managing those crossings is an issue. For example, the Sullivans Creek commuter path has a large number of different types of crossings. You may well have a zebra crossing and in other cases you may have a priority crossing, such as you see along Bourke Street. In other cases you may have traffic signals or there may be almost nothing there, maybe a refuge where you can wait. These, again, are major issues that need to be considered to make cycling more attractive and more safe.

Finally, in Holland this is a very minor problem but it causes really serious outcomes, and that is the blind spots on trucks and buses. It may not happen very often. In Holland it may only relate to a dozen or so, maybe two dozen serious crashes, but they are very serious. Of course, trucks and buses cannot see bicycles that are riding next to them. Preventing these blind spots is a big issue and one big answer in that process is “head start” boxes. You see some of those in the Canberra street network but not very many. They are really important to put bikes ahead of the trucks and buses so that you can see them. I have not always understood why that is so important, but it is the visibility of bicycles to those very large vehicles.

Mr Strang: Just to conclude, because I realise we need time for questions, what Dick has talked about mainly has been research into cycling crashes. The basis for a lot of the recommendations we have made has been about infrastructure—improving infrastructure, both separated infrastructure and also making sure it is up to the grade that it should be and that it is maintained. These issues are also very important for other so-called vulnerable road users—pedestrians, people using mobility scooters and so on.

I draw your attention to the photograph in the supplementary information that we have provided. This is something in Braddon. Dick and a group are conducting a class—we do classes for Roads ACT—on designing for cycling and walking. Someone in a mobility scooter was observed coming from the north down and off the footpath, I think, and across that exit way there. Then they saw a pram ramp. So they went up the

pram ramp, along the median, and found it was just an island that did not go anywhere. So they had to come back again and then go around the building. Basically, it is a very circuitous route. In an ambulatory situation—you might be relying on a stick—pram ramps are very convenient ways of getting access to and from the footpath to the road surface, but a lot of these little things are important for cyclists and other road users. So infrastructure is pretty key. We are happy to respond to questions.

THE CHAIR: Thank you, Mr Strang.

MR WALL: You spoke briefly on the Holland experience of segregating cyclists not just from road traffic but also from pedestrian traffic. In the ACT most of our paths are shared, so you are either a cyclist on a road with a car or a cyclist on a path with pedestrian traffic. What was the advantage in separating it out? What improvements did they find in safety and in the uptake of these alternative modes of transport?

Mr van den Dool: There are two important points. Traditionally, bicycle and pedestrian volumes in our country, here and in other jurisdictions, have been fairly modest. When speeds and volumes of bicycles and pedestrians are low, it is quite safe and quite comfortable to share pathways. It does not normally raise any problems.

More recently, research in Victoria and Queensland has indicated that, as the volumes of both walking and cycling go up, the number of conflicts increase. There is good documentation on when and at what levels it happens. One example is the VicRoads cycle note No 21, which is freely available from the Victorian government. It happens quite quickly; at reasonably moderate volumes—about 100 or 200 pedestrians a day plus another 100 or 200 bicycles a day—you really need to start either widening the pathways so that there is more room to pass or providing separated facilities one way or the other. In Australia, in the ACT and other jurisdictions, that is probably becoming more and more the case.

In many jurisdictions in our country as well as overseas, research is starting to indicate that if we encourage walking and cycling as a safe and healthy mode for daily exercise purposes, people will want to ride and walk separate from each other, on a footpath or on a cycle path, but not on a shared path, and also separated from parked cars and from moving cars.

There is research by the City of Sydney, by the then RTA in New South Wales and in a whole range of other jurisdictions. There is a famous case from the City of Portland in Oregon in the United States where they call people—it is interesting terminology—“interested but concerned riders”; they will not ride on the road. It happens with about 60 or 70 per cent of our community. If you want people to ride, if you want to meet the ACT targets of eight to 10 per cent of people cycling to and from work, we need to separate them from moving traffic, general traffic, and from parked cars.

Mr Strang: There are several examples in Australia now of separated cycleways and footpaths. Probably the most important example is the bicentennial cycle path along the Brisbane River—very high volumes, fairly high speeds, and for a lot of that there are separated footpaths and cycleways. That is also the case, I understand, along the esplanade in St Kilda. So it is starting to happen.

MR COE: And Surry Hills in Sydney as well.

Mr van den Dool: I worked on that quite a bit. It is happening in Canberra as well. I forget all of the street names, but not far from here you have a number of separated cycleways. Our experience is that, on those cycleways, there is uptake by young people—often children even—by women and a whole range of people that are not confident cyclists. In the old days, all we got was young men in lycra, and that is only ever going to be one per cent of our community. If we want to achieve healthy and active lifestyles, if we want to achieve 10 per cent of people riding to work, you cannot rely on that one per cent in lycra. You need to go to other people, and they will not feel comfortable riding on the shoulders on Northbourne Avenue. They want to ride on separated paths.

MR COE: Going to the Dutch experience again, I understand that in the Netherlands they do not allow cyclists to ride on a high speed road. Is it 80 kilometres an hour and above? Is that right?

Mr van den Dool: Not quite. In Holland you will find cycleways on most country roads, 80-kilometre roads, and they will be on separated paths. It is only illegal to ride on any road if there is a pathway next to it that is marked as a compulsory cycleway. In country areas in Holland, between towns, pedestrians can share those paths, because typically there is no footpath parallel to the cycleway. In urban areas, all the main roads that are 50 kilometres and above and are multi-lane roads will always have a cycleway next to them as well as a footpath. So in urban areas the footpath is always separated from the cycle path.

MR COE: But you do not have cyclists on the road in the same lane as vehicles?

Mr van den Dool: Typically not. It is not so much that you cannot ride on the high speed roads, but you must ride on the compulsory cycleway. That is what I am saying. In practice, you are actually right. In pure theory, it is a slightly different legal framework. Typically, the road rules in Australian jurisdictions will advocate that you must use the cycleway unless it is not convenient. I think that is the terminology in the road rules. In Holland, it would say “you must”. It is not a case of saying “unless it is inconvenient”. That line does not exist in Holland.

DR BOURKE: Can you point to any good examples of pedestrian and cyclist friendly design in our newest town centres?

Mr Strang: In Canberra?

DR BOURKE: Yes.

Mr Strang: There is certainly more thought being given to things like providing footpaths outside all housing, which in the bad old days did not always happen. In some areas people are pretty much encouraged to walk on the road, and even for people using things like mobility scooters, because there is just no option. But in the newer areas generally there are footpaths on both sides.

There is also more attention being given not just to providing shared paths but to

actually connecting them up with the cycling network. I cannot give you examples off the top of my head of particular locations, but I think the planning is improving, which means that as these developments fill up, people will be more encouraged to cycle and to walk, both for commuting and for recreation.

Mr van den Dool: You see it here in Civic with the separated path being provided now. Similarly, outside ANU, a separated path is being provided. They are really good facilities.

Mr Strang: It is all part of the Civic cycle loop.

Mr van den Dool: You are also seeing two other things happening here in Canberra, in Gungahlin and Belconnen, with the implementation of 40-kilometre-per-hour zones. Basically, they are high pedestrian activity areas in the town centre, and they are great facilities that have been proven widely to deliver very strong road safety outcomes as well as easier access for walking and cycling. When the speeds are low—30 or 40 kilometres per hour—it is safe to cycle on the road. It is safe to cross the road. You have time to cross the road. The drivers have time to see you. So these low speed zones are really important and they have made really big inroads in Holland in relation to that. Here we are coming to the same party equally strongly, although a few years behind.

Mr Strang: We were involved in the design of the 40-kilometre zones in Civic and the town centres. What has happened so far is that we have made legal what was pretty much the case before. People do not tend to speed in town centres. So we have made quite explicit the fact that 40 kilometres is the limit. I think the next step will be to actually reduce in some areas that speed limit down to 20 or 30. When that happens, I expect there will be a significant change in behaviour. Hopefully, the community will accept it. They have certainly accepted the 40-kilometre zones, because it has not changed their behaviour that much. Once we start getting down to even lower speed limits, some of the benefits for vulnerable road users will really be seen.

Mr van den Dool: In that context, in many European countries they tend to lean towards 30, whereas we have stuck with 40.

THE CHAIR: Mr Strang, in your opening statement you said that, with bicycles across the territory, there are a lot of single-vehicle accidents on bike paths, footpaths et cetera. We heard yesterday from ANCAP, which are the motor vehicle safety organisation that test motor vehicles for safety. They talked about the amount of technology that is now coming into motor vehicles—avoidance technology et cetera. Is there any contribution to single-vehicle accidents by perhaps bicycles that have less technology than the modern ones? If you look at the old-style Dutch fixies compared to modern Shimano-equipped bicycles, are those modern bicycles somewhat safer than the older ones?

Mr Strang: My recent experience would tend to indicate not. I had a fall just before Christmas on the kerb ramp across Dunrossil Drive. I obviously hit it at a slightly acute angle and went down. I was riding a road bike.

There are a number of factors. I noticed that the fellow giving the last submission

talked about factors involved in road crashes. With single-vehicle bike crashes, there are a number of factors. Dick talked quite a lot about the environmental issues, about the road surface, the path design and the maintenance of it. Skill and the ability of riders is important, especially for children. That is why we made a recommendation about training for children.

The quality of the bicycle is probably not the most important factor. The failure of bicycles does not happen terribly often. It is more likely to be operator error or environmental problems. We were talking at lunchtime about perhaps not single crashes but anti-avoidance equipment in cars. When cars can detect bicycles in their collision zone, that is probably a good thing. But I do not think it will make much difference to single-vehicle bike crashes.

Mr van den Dool: I am just skipping through some Dutch research. It is all double-Dutch, I am afraid! I read something only this morning in preparation for our meeting today. There were some notes on modern bicycles versus traditional bicycles. I cannot find it quickly enough, but I am happy to have another look for you a bit later on and send it to you.

THE CHAIR: That would be good. There being no further questions, thank you very much, Mr van den Dool and Mr Strang, for coming along this afternoon. Our secretary will get a copy of today's transcript to you, for any typographical issues. The hearing is now adjourned.

The committee adjourned at 3.59 pm.