



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

MONDAY, 28 APRIL 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

CORBELL, MR SIMON, Attorney-General, Minister for Police and
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Community Safety Directorate **179**

GREENLAND, MS KAREN, Deputy Executive Director, Legislation, Policy
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Amended 20 May 2013

The committee met at 3.01 pm.

CORBELL, MR SIMON, Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations, and Minister for the Environment and Sustainable Development

GREENLAND, MS KAREN, Deputy Executive Director, Legislation, Policy and Programs, Justice and Community Safety Directorate

ALDERSON, DR KARL, Deputy Director-General, Justice, Justice and Community Safety Directorate

THE ACTING CHAIR (Mr Coe): Welcome to the inquiry on vulnerable road users. I imagine you are all very familiar with the pink statement regarding privileges. Can you please confirm that you are all okay with it?

Mr Corbell: Yes, thanks, Mr Chairman.

THE ACTING CHAIR: Good. I will get the ball rolling, minister. Would you please firstly outline your role and your directorate's role with regard to road user policy, as opposed to TAMS' role?

Mr Corbell: Thanks, Mr Chairman, and thanks for the opportunity to appear before you and the committee this afternoon. The responsibility of the Justice and Community Safety portfolio is in relation to road safety policy. The reason that road safety policy sits within the Justice and Community Safety Directorate is that there are very close linkages between policy and amendments to relevant legislation.

Whilst previously some legislation was the responsibility of the Territory and Municipal Services Directorate, most of the policy functions—for example, roadside random breath testing, roadside random drug testing and other laws in relation to driving—were always administered by the Justice and Community Safety Directorate. A number of years ago the government took the decision to more closely align policy functions by bringing all within a single portfolio in the Justice and Community Safety portfolio.

The roles and responsibilities of Territory and Municipal Services relate largely to management of road infrastructure and decisions that relate to the provision of road and transport infrastructure, such as cycling lanes, on and off-road cycling facilities and other issues to do with the physical provision of road safety and transport infrastructure.

THE ACTING CHAIR: As an example, the city cycling loop, which has been under construction for a while and is largely complete: what role would JACS have had with the planning and implementation of that?

Mr Corbell: It is not a matter for the Justice and Community Safety portfolio.

THE ACTING CHAIR: So what role would your agency have with regard to the development of policies regarding on-road cycle paths?

Mr Corbell: My directorate would have a role to the extent that it was necessary in

relation to the provision of the legal position in relation to the provision of such infrastructure, should any legal questions arise about, for example, the Australian road rules. To my knowledge, that has not been an issue that my directorate has been engaged in in relation to that particular project.

There are other parts of the ACT government that would have a more closely related role. For example, the Environment and Sustainable Development Directorate would take a close interest in the provision of such infrastructure, given that it links with other government policies that relate to the promotion of active transport choices within our city.

THE ACTING CHAIR: Thanks, minister. Dr Bourke?

DR BOURKE: Thank you, chair. Minister, we have had a number of submissions from groups regarding strict liability and the desirability of a strict liability regime in the ACT, and also another submission from the Law Society on some cascading form of liability. Would you like to comment for us on what your view is around that?

Mr Corbell: I am aware that in the Netherlands there is a strict liability provision in relation to crashes involving vulnerable road users. My understanding of the operation of those laws is that the fault rests with the most powerful road user, and therefore the more vulnerable road user is protected. This is not a concept that the government has given consideration to. It is not a concept that we are aware of operating in the Australian context at this time. It would clearly need to be considered in the broader context of how the criminal law operates.

DR BOURKE: This would be in regard to civil matters, though.

Mr Corbell: I beg your pardon?

DR BOURKE: This would be within civil law, rather than criminal matters?

Mr Corbell: Well, again, it would need to be considered in the context of how the current law operates. I am not clear how it would operate in the context of the civil law, given that we are talking about a matter that would otherwise be prosecuted with a criminal offence.

DR BOURKE: This is with the intention of getting some redress after an accident by vulnerable road users when there is an accident involving a motor vehicle. The Law Society put up also a cascading rebuttal system which suggested that, whilst strict liability could be applied, it could be rebutted on evidence. Did you have any thoughts about that?

Mr Corbell: The government has not given consideration to that proposal at this time.

DR BOURKE: Okay. Can you tell me more about the “share the roads” road safety awareness program, its content, and how it is being spread about?

Mr Corbell: Yes. I might ask Ms Greenland if she can provide that information for you, Dr Bourke.

Ms Greenland: The “share the road” program has been delivered through advertising that has been running over the last 12 months or longer. The “share the road” advertisements have been running on TV and have been directed at promoting awareness of vulnerable road users. They have featured, for example, pedestrians and motorcyclists, and have demonstrated in the visuals how other motorists need to be aware of more vulnerable road users.

There is certainly some work going on at the moment to look at an expanded campaign. So it could refresh that campaign with additional advertisements, again with a shared rights, shared responsibility theme, so the notion that all road users have the right to be on the road and also have responsibilities. So there is a next phase that is in development at the moment.

DR BOURKE: Thank you. Perhaps you can tell me about how JACS is working with ACT Policing to extend the safety measures to vulnerable users and what particular behaviours are you targeting?

Ms Greenland: ACT Policing have a series of campaigns that they run throughout the year. They target particular behaviours over a 12-month calendar. JACS works very closely with ACT Policing. We have regular monthly meetings so that we align messaging around those monthly programs and areas of focus around road safety. For example, we will attempt to align the promotional work that we do, which might include launches of various campaigns or, for example, some work that is going on at the moment in relation to a brochure for vulnerable road users that is again in development. We try to actually align our activity to maximise the level of publicity that we can get along with ACT Policing as they are undertaking their program of publicity and road safety awareness.

DR BOURKE: What sorts of behaviours are we talking about that would be affecting vulnerable road users?

Ms Greenland: We have got, obviously, awareness of the range of vulnerable road users, so pedestrians, cyclists, motorcyclists. Motorcycle Awareness Week is another example where ACT Policing are very active in that week in promoting a message around being aware of motorcyclists. The directorate works with ACT Policing and also with the Motorcycle Riders Association and provides support through our internal networks, working with those road user groups.

DR BOURKE: We have heard a lot from cyclists about dooring and getting a one metre space for cyclists when in a car. Have those been the kinds of behaviours that you have been working on?

Ms Greenland: I do not know that dooring is necessarily; it has certainly been an issue, obviously, in Sydney and Melbourne and it has got a lot of prominence. That is not to say that it does not occur potentially in other cities as well, but certainly that general message of awareness of other road users is really the key, so whether it is in the context of dooring or just being aware of motorcyclists at an intersection or cyclists at an intersection, the general message that ACT Policing persistently and consistently run is that we need to be aware of all of those road users on the road, and

the campaigns that we are involved in obviously complement that as well.

DR BOURKE: Thank you.

THE ACTING CHAIR: Mr Wall.

MR WALL: Minister, just a follow-on from Dr Bourke about the strict liability. Is there any implication or change to the way the CTP system will now work if a cyclist or pedestrian is injured, given the changes to the CTP scheme within the territory?

Mr Corbell: The changes to the CTP scheme? In what respect?

MR WALL: The move to a no-fault CTP scheme.

Mr Corbell: The catastrophic injury provisions? Not that I am aware of.

MR WALL: All right. A lot of the evidence that we have heard in the inquiry so far has been related to driver training and upskilling of drivers. I was just curious, from a government perspective, how often the road ready and provisional licensing programs are assessed, reviewed and updated.

Mr Corbell: The government does review those schemes. In fact, there is currently a review underway in relation to learner and provisional licensing arrangements. The government is concerned that currently we still see significant overrepresentation of L and P-platers in road accidents. We may have the figures.

Ms Greenland: We do. I will find that for you.

Mr Corbell: Just while Ms Greenland finds that for you, Mr Wall, approximately a fortnight ago I announced a public consultation on options that people feel the government should consider to further strengthen training arrangements and conditions that should be imposed on L and P-plate holders.

The reason for that is the significant level of overrepresentation of L and P-platers in road accidents. To date we do not have provisions, for example, that mirror provisions in New South Wales. For example, we do not have the same restraints on the number of people that, say, a P-plater can carry in the car as passengers. We do not have the same speed limits that New South Wales has in relation to P-platers as well. Some of those are things that we believe should be considered for L and P-platers in the ACT.

In terms of their representation, 14 per cent of drivers involved in casualty crashes in the ACT were provisional licence holders, but they only represent seven per cent of all ACT licence holders. So their representation in crashes compared to their total numbers is disproportionate.

THE ACTING CHAIR: Are there any studies that you are aware of about whether P-platers actually drive more? For instance, whilst the total number of registered vehicles or licences may well be seven per cent, do you know what they actually represent as a percentage of vehicles on the road at any point in time?

Mr Corbell: Per kilometre travelled—that sort of measure?

THE ACTING CHAIR: Yes.

Ms Greenland: I am not aware of anything that suggests that it is disproportionate to the number of actual licensed drivers.

THE ACTING CHAIR: With regard to the different restrictions elsewhere, are there any of particular interest that you think warrant implementation in the territory?

Mr Corbell: The government has no concluded view on what options should be implemented, but we do have a few that we should look at more closely—whether or not additional conditions should be a requirement for an L or a P-plater if they are going to have a safety benefit in terms of protecting either the P or L-plater themselves, their passengers or other road users. I might ask Ms Greenland if she can elaborate a bit on the process that we have embarked upon there, the time frames and the options.

Ms Greenland: The ACT, as the minister has mentioned, has fewer restrictions on novice drivers. For example, we do not have any minimum mandated driving hours before a person is able to get their P-plates, whereas other jurisdictions all have minimum mandated driving hours. There are peer passenger restrictions in some jurisdictions, so that a young driver can only have a certain number of peers in their vehicle at certain times unless they are subject to exemptions.

So there are a range of other treatments that other jurisdictions have taken on. On the eastern seaboard certainly we stand out, I think, as the jurisdiction that has not actually applied those sorts of restrictions. In New South Wales, when these were introduced a number of years ago, they did see a significant decrease, when a suite of changes were made to P-plate conditions, in the rates of P-plate drivers who were involved in crashes. The work that has been done in New South Wales suggests that they were effective in reducing the rate of crashes of that particular cohort.

The process at the moment is that we have a survey out online, and it is also available through ACT government shopfronts, which is asking people to comment on some of the options that might be considered and that they think might contribute to improving road safety out of those options. We are also asking people to let us know what they think some of the challenges might be, including whether there might be a need for consideration of exemptions in some circumstances. In other jurisdictions where these restrictions are in place they have put in place exemptions in particular circumstances for individuals.

Once we have the information from that survey we will then be putting together a proposal for a range of measures that potentially could be adopted. That will then go out for further public consultation. So, once again, that is actually being developed. There will be public consultation in the second half of this year on that proposal.

THE ACTING CHAIR: I have a follow-up. When an ACT provisional licence holder drives into New South Wales and Victoria and elsewhere, what restrictions are they bound by?

Ms Greenland: They are not bound by the other jurisdiction's restrictions because they are driving on an ACT licence. Basically they drive on the licence that they have been issued, and they are not subject to those restrictions.

DR BOURKE: With the reduction in P-plater accidents that you talked about in New South Wales, was there a separation out between urban and rural environments?

Ms Greenland: I believe that they did have a look at the difference between the two. I would have to check the data that is available, but there was certainly no suggestion that there was not a benefit in any particular environment. There were benefits across the board. They were not limited to either a rural or an urban environment.

MR WALL: Just on the figures that were provided about provisional drivers and their overrepresentation, is there any data around learner licence holders and what the accident figures are?

Ms Greenland: I would have to check that.

Dr Alderson: My understanding is that learners have a lower accident rate than provisional licence holders.

MR WALL: That was mine as well.

Dr Alderson: Provisional licence holders seem to be higher. Learners are lower. But we do not have with us the exact statistics.

Mr Corbell: I can take that on notice and see if we can provide some information.

MR WALL: Okay. I guess a further question would be: would the restrictions or conditions that are being considered for provisional licence holders be likely to be extended to learner drivers as well or would they be exempt from it whilst they are on a learner category?

Mr Corbell: There may be some provisions, but obviously learners are in a different circumstance in that they are required to be supervised by a licensed driver. That is obviously reflected in the fact that their level of accident is lower compared to P-platers, who are flying solo, if you like. Their circumstances are different. Any additional conditioning of L-plate holders would have to have regard to their different circumstances.

MR WALL: Another difference between the ACT and New South Wales provisional licence system is that there are two tiers; they have to display red and then go onto a green P. Is that also up for consideration?

Mr Corbell: Yes.

MR WALL: Is there a position formed on that issue yet?

Mr Corbell: No, there is no position on that, but we believe it is worthy of

consideration.

THE ACTING CHAIR: Given the ACT's fairly extensive arterial road network, many of which are 90 or 100 kilometres an hour, a speed restriction potentially has a bigger impact in the ACT than it might in other cities around Australia. Would the speed limit on provisional licence holders potentially be problematic?

Mr Corbell: In principle, I do not believe so. Setting aside whether or not it is desirable to do it for P or L-platers—because that, as I say, is not a matter that the government has reached a position on—and looking at just the question of whether or not a speed limit would have some disproportionate impact because of relatively high average speeds on Canberra arterial roads and so on, it should not have any significant impact in terms of travel time. The difference between 90 kilometres an hour and 100 kilometres an hour is measured in less than—

THE ACTING CHAIR: By way of road safety.

Mr Corbell: a couple of minutes. But in terms of road safety, it obviously does have a significant benefit in terms of capacity to reduce the severity of crashes. That would have to be a question that we took into account in making a decision on such a proposal.

THE ACTING CHAIR: Is there a risk that cars going perhaps significantly lower, say 20 per cent lower, than the speed limit, 80 in a 100 zone, are potentially a hazard?

Mr Corbell: I do not see why they would be.

Ms Greenland: New South Wales is the principal jurisdiction that applies different speed limits on young drivers or novice drivers. There is no information that is available to me to suggest that they have necessarily identified any increased risk associated with limiting some drivers to the lower speed limits.

There is some debate amongst jurisdictions about whether or not there should be differential speeds. As the minister says, it is one of a range of options that are being considered. There are some views that people should drive at the posted speed because then they get the experience driving at that speed. On the other hand, jurisdictions like New South Wales have taken the view that for a period of time drivers should drive at slightly lower than the maximum speed until they get more experience driving.

DR BOURKE: So there is no evidence from anywhere in the world to suggest that people who drive at lower speeds than the posted speed limit are more likely to have accidents?

Ms Greenland: I think the evidence around that particular measure is probably less strong than it is around some of the other measures that are in contemplation; so it is one of the measures that is in the mix, but it is not one of the ones which is most strongly supported by evidence. Things like, for example, minimum driving hours—supervised driving hours—I think have got quite a strong evidence base to support an improvement in the road safety outcomes so that you do require a young driver to

have at least a minimum of a certain number of hours of experience before they actually get their P-plates and they are actually driving by themselves without a supervisor in the vehicle.

DR BOURKE: I go back to cyclists, minister, and I refer to dismounting at pedestrian crossings. A number of people have given evidence suggesting that some alternative regime could be instituted—say, perhaps, a stop or a stop and then ride through a pedestrian crossing. Does the government have any thoughts around this or is there any evidence to suggest that it would be more likely to encourage compliance?

Mr Corbell: This is a vexed issue. I understand and accept the rationale about why this rule is in the Australian road rules. That is to try and prevent circumstances where cyclists enter a pedestrian crossing or a marked crossing at speed and in a way where there is insufficient time for the motorists to identify that they are entering the crossing and therefore stop to give them right of way. That is the purpose of the rule.

Obviously, there are many circumstances, though, where cyclists consider it impractical to dismount to cross because clearly there is no-one in sight and they are able to effect the crossing safely mounted. So I understand the dilemma. I do not think it is a reason to remove a requirement for people to use caution whilst crossing and obviously that intent is what is reflected in the existing rule.

Whether or not the rule can be structured in some other way that still puts an obligation on the cyclist to enter the crossing safely and thereby give the motorist sufficient time to give way is, I think, the question. I do not have a view, and the government does not have a view, on that.

I am aware that there is a change to a law in Queensland. They are trialling an alternative approach. I think it would be worth while looking at the outcome of that approach and whether or not it has had any noticeable change or impact on the number of crashes or, perhaps put it this way, whether or not there has been any detriment from such a change in terms of safety or whether the circumstances are unchanged.

So at this point in time the government does not have a particular view on this question except to say that there will always be a requirement for cyclists to enter such a crossing in a manner which allows motorists sufficient time to react and give way.

DR BOURKE: Perhaps you could tell us what the government is doing to make sure that children are familiar with the road rules?

Ms Greenland: We have got programs that are run through ACT schools. ACT Policing have the Kenny Koala program that has been running for a very long time, which incorporates road safety messages for children. The government works with Kidsafe in relation to safety for children from the baby stage in terms of their safety in the vehicle, being properly restrained in a child safety seat.

We are also working with the education department to identify measures that can improve traffic management and safety around schools. One of the issues that is

becoming more prevalent at the moment is concerns around parking and the impact of that on parents trying to get their children to school safely. That is another area that we are having a look at at the moment.

But predominantly it is through the Kenny Koala program for younger children, and then obviously the road ready program is delivered through all government secondary schools. So that is delivered to every ACT school student who wants to undertake it.

DR BOURKE: What about walking buses?

Ms Greenland: Walking school buses is in place. I would have to get a bit more detail on what the actual extent of the program is, but certainly the walking school bus program has been running in the ACT for a number of years, and that is run through the department of education.

DR BOURKE: We brought in some legislation, I think it was last year or the year before, about smoking in cars. How effective has that been?

Ms Greenland: I would have to probably defer to get some advice from ACT Policing in relation to enforcement activity, but certainly we could take that on notice if you would like me to.

DR BOURKE: Thank you.

Mr Corbell: Just going back to that issue about riding across pedestrian crossings, could I perhaps just provide a little more context around the government's understanding of the developments in Queensland? I am advised that the road rules were amended in Queensland in October last year to allow cyclists to ride slowly across the road on a marked foot crossing.

Under that rule, cyclists must give way to pedestrians on the crossing and keep left. But Queensland have not changed their rule in relation to pedestrian or zebra crossings. So there is a distinction between the types of crossings that they have set.

DR BOURKE: So this is the traffic lights, presumably?

Mr Corbell: Yes.

DR BOURKE: Which are the bulk of crossings that cyclists perhaps want to go over in Canberra.

Mr Corbell: I think the challenge is that there are a variety of crossings. Often there is a smaller zebra crossing, particularly on a slip lane, before you cross the intersection proper.

DR BOURKE: True.

Mr Corbell: So there is an uncontrolled crossing, apart from the zebra lines, and then there is a controlled crossing. I mean, it varies, obviously, depending on the geometry of the intersection. I am aware also, and I should mention, that TAMS are trialling the

use of signal lights for cyclists. I think some are being trialled on Barry Drive. That may be an alternative way of managing the issue. Obviously, it is potentially a more expensive way because it means you have to supply the signal equipment but that may be a way of addressing this question for high-volume crossings. That is what is certainly being trialled on Barry Drive, which is on the main cycleway crossing across Barry Drive from Turner into the city. That gives priority to cyclists with a signal change that indicates it is safe for them to cross.

DR BOURKE: So that is not just for the on-road cycle path there; it is—

Mr Corbell: No, my understanding is that it is the crossing for the off-road cycle trunk, the trunk route that exits from Turner into the city.

DR BOURKE: So they do not have to dismount when they come to those lights there?

Ms Greenland: That is correct. They have the little red bicycle symbol showing, just as a pedestrian symbol shows. As long as they have got the green bicycle showing they can ride across.

DR BOURKE: All right; so there is a green bicycle light?

Ms Greenland: There are a number that are already around. There are not a lot of them. There are a number of intersections in the ACT that have those crossings.

DR BOURKE: Thank you.

MR WALL: I was wondering if there has been any further exploration and an explanation available in relation to another matter. I am referring to the submission that the government provided to the committee, table 3.8. This was amongst all the traffic and casualty trends statistics. It gives the type of weather conditions when most crashes have occurred; 81 per cent of total crashes in the ACT have occurred under fine weather conditions. Obviously, we are always reminded during wet and cloudy or overcast conditions to drive more appropriately. Why is there such an overrepresentation during fine weather? Has there been any research or explanation as to why we are more likely to have an accident when the weather is fine?

Ms Greenland: It could be a feature, I guess, of the number of days when the weather is wet. We would have to probably have a look at it against the actual total number of fine days versus wet days to see how those figures actually look proportionate to the days of bad weather. But I guess what you could say is that the fact that so many crashes do occur in fine weather would suggest that drivers are driving in a way which is possibly still not safe. So other factors are contributing other than the weather—speed, impairment and those sorts of factors must be relevant to those sorts of crashes.

Mr Corbell: I think it would be difficult to give a definitive answer to your question except to say that, generally speaking, we have more fine days than we have poor days in terms of weather. We have, for example, more days of no rain than we do of rain on average; so that is obviously reflected in the overall preponderance of accidents during fine days compared to days that are not so fine. So it would suggest

that weather is not a significant factor in the level of accident.

MR WALL: I have a further question on some of those statistics. It shows that the average vehicle age in the territory is 9½ years as of 2012. I do not know if there has been any change over the past 18 months?

Ms Greenland: We can certainly get that data from the Road User Services area.

MR WALL: Is there any data collected on the average vehicle age involved in collisions?

Ms Greenland: I would have to check that. I will have to check and see whether we can get it through the database that we use to construct these tables.

MR WALL: Yes, if it is available, then that would be appreciated.

Ms Greenland: Yes, certainly happy to check.

THE ACTING CHAIR: While we are on the issue of databases, I would like to ask a question about the crash database. Does such a thing exist within JACS, does that rest with ACT Policing, or are there two or multiple databases?

Ms Greenland: It is with TAMS; so TAMS maintains the crash database. The information from those crashes that are reported to ACT Policing are then loaded into that database. JACS has access to that database; so TAMS would use it for a range of purposes related to engineering treatments, monitoring traffic volumes and those sorts of things. As I say, JACS has access as well for the purpose of extracting data that relates to road safety information.

THE ACTING CHAIR: So why did that not migrate across to JACS at the time the road safety area did?

Mr Corbell: Both directorates require the information, albeit for slightly different purposes. As Ms Greenland says, TAMS require it in relation to the maintenance of the road asset and whether crash data is indicating a need to modify or change the road infrastructure in some way. I guess that given that it was already present and relates to a core function of TAMS you could argue it is six of one, half a dozen the other as to where it should sit. The important thing is that access to that data is shared across government, and that arrangement is in place.

THE ACTING CHAIR: Is it usual for a crash database to be merged with an engineering database?

Ms Greenland: I think TAMS would have been using it for a number of years for a range of purposes which at one stage did include road safety, but there are multiple users of that database; so where it sits, I guess, is debatable. But the critical factor, as the minister mentions, is that we have access to the data from that database for the purpose of road safety planning. TAMS would use it for a range of other purposes, including things like understanding what pressures are on particular roads in terms of volume of traffic increases, those sorts of things. I would imagine that it would also be

utilised potentially by planning agencies as well.

THE ACTING CHAIR: Is the database functioning well?

Ms Greenland: TAMS, I think, have indicated that they had it reviewed internally a year or so ago. I understand that they are satisfied that it is working as it is intended.

THE ACTING CHAIR: Minister, last week Minister Rattenbury put out a media release, perhaps pre-empting this committee, with regard to a number of provisions to make on-road cycling safer in the ACT, to in effect try and create a greater degree of separation between on-road cycling and motorised vehicles.

Mr Corbell: Yes.

THE ACTING CHAIR: Did you or your agency have any input into that trial, into that announcement?

Mr Corbell: My directorate was aware of those proposals, yes.

THE ACTING CHAIR: Was it prudent to do so while this inquiry was taking place?

Mr Corbell: It highlights the government's willingness to consider and trial new mechanisms to improve safety. Obviously this is a matter that the government takes very seriously. We have undertaken expenditure in a range of areas to improve segregation of cyclists from other road traffic. That is everything from dedicated cycle infrastructure, both on-road and off-road cycle infrastructure, through to the measures that Minister Rattenbury announced last week. It highlights the willingness to trial and test measures to reduce conflicts between different road users.

THE ACTING CHAIR: Is there a reason why news of this trial was not flagged in the government's submission?

Mr Corbell: Obviously the government's submission was made some time ago, and Minister Rattenbury has progressed other measures. The government, in its submission, does indicate that it has a policy position of seeking to reduce conflicts between road users, and in particular to improve the safety of vulnerable road users. This is consistent with that general approach.

THE ACTING CHAIR: Given that the submission was written some time ago, does that mean the trial had its genesis after this committee was established?

Mr Corbell: That is something you would have to ask Minister Rattenbury as the responsible minister.

THE ACTING CHAIR: Your agency was not aware of the trial prior to this inquiry being established?

Mr Corbell: No. As far as we are aware, this proposal came forward after the submission was prepared.

THE ACTING CHAIR: Regarding another form of cyclists, motorcyclists, with regard to terminals or wire rope barriers and the like on the side of the road, does your agency have any role in this policy area?

Mr Corbell: Yes, we do. This is a matter which is raised regularly by advocacy groups, particularly motorcycle advocacy groups, in relation to broader road safety considerations. Justice and Community Safety and Territory and Municipal Services collaborate closely on these matters. There is a range of views about the desirability of different roadside barriers when it comes to safety, particularly for motorcyclists. I am advised that there are proposals from New South Wales to trial what are called motorcycle-friendly barriers on the Kings Highway this year. The government is going to be watching that trial very closely to inform our decision-making about how we should approach the deployment of roadside barriers on ACT roads.

THE ACTING CHAIR: In the last year or so, there have been a number of roads in Canberra built with wire rope barriers. Obviously you have not formed a decision about whether the risks they pose to motorcyclists are substantial enough to warrant them not being used.

Mr Corbell: The challenge is that there is a range of different safety considerations. Wire rope barriers are more forgiving than the traditional concrete barriers in terms of dissipating energy and reducing the impact on the motor vehicle, so they are beneficial for motor vehicles. But they do raise concerns and potential problems for motorcyclists. The government has not favoured one over the other. An assessment is made on a case-by-case basis, largely by TAMS, as to what particular type of barrier is suitable in what particular location. We remain aware of the concerns of the motorcyclists and their advocacy groups, and we remain open to looking at either changes to existing practice or new practice if it has proven successful in other places to address these concerns.

THE ACTING CHAIR: With roads such as Parkes Way, which recently had a significant upgrade, at the procurement stage would the government have stipulated the type of barrier to be used, or is that up to the contractor to determine?

Mr Corbell: Generally speaking, that would be determined in the tender let by Territory and Municipal Services.

THE ACTING CHAIR: Sure.

DR BOURKE: Minister, in relation to the city cycle loop and road cycle lanes, are there any issues with drivers understanding how to interact with the city cycle loop and road cycle lanes at corners and merging across lanes?

Ms Greenland: One of the areas that we want to focus on is improving the amount of information that is provided to road users around the use of those sorts of cycle lanes. We have got a proposal to develop a vulnerable road user brochure that can be provided to all road users through the registration renewals that are sent out to motorists. That will include information about how some of these paths are meant to be used and what people should understand by the rules that apply in those circumstances. We do have occasional correspondence, but it has not been raised as a

major issue. Clearly some people have some concerns understanding exactly how they work, but it has not been raised as a major issue.

DR BOURKE: In the submission, it talks about a high number of cycling crashes on shared paths and pedestrian areas. Is this a matter for better manners and education of cyclists, are there more people using cycling paths at higher speeds, or do we need to review the state of our infrastructure?

Ms Greenland: There was a study done in 2012. It looked at the people who were presenting at the emergency department who had been involved in bicycle crashes, both on-road and off-road. It showed that a significant proportion of those crashes were occurring in off-road locations. The proportion, as I recall, was around 50 per cent off-road. The seriousness of injuries was quite pronounced for those off-road bicycle crashes, including bicycle-to-bicycle and bicycle-to-pedestrian crashes. So I think that again that is one of the areas that would benefit from some consideration of how we get the message out about sharing the road: it is not just sharing the road in terms of cars, bicycles and motorcyclists, but also sharing the shared paths, particularly as the numbers using those facilities increase.

DR BOURKE: What is the breakdown on ages in those accidents that are reported?

Ms Greenland: In the ages of the people who were injured?

DR BOURKE: Yes.

Ms Greenland: I can probably get that out of the data that was provided as part of the study, but I do not have it immediately available. Certainly it was broken down by demographic.

DR BOURKE: Was there any indication that alcohol was a factor in those crashes?

Ms Greenland: I do not believe that that was a significant factor. Speed was highly implicated—the speed at which people are cycling—but, as I recall, impairment did not come through as a particularly strong factor.

THE ACTING CHAIR: Mr Wall.

MR WALL: Minister, I am not quite sure if it is on topic or not, but is JACS responsible for the policy change in the way disabled car parks were marked out that occurred about two years ago?

Mr Corbell: No; that is a matter for Territory and Municipal Services.

MR WALL: That was a TAMS policy decision?

Mr Corbell: That is right.

THE ACTING CHAIR: Minister, do you or the government have a view about the merits of motorcyclists being able to ride two abreast?

Mr Corbell: No, Mr Coe. It is not a matter we have considered.

THE ACTING CHAIR: That is simple. What about the ongoing national campaign regarding “a metre matters” for cyclists. Does the government have a preliminary view about that issue?

Mr Corbell: The government does not have a concluded view, but we are conscious that there are a number of issues that need to be further considered before a decision would be taken as to whether or not to introduce such a requirement. First and foremost, the issue would be about enforceability, in terms of how, if it was a requirement for a motorist to keep clear by a metre from a cyclist, such a provision would be enforced. For example, how would it be demonstrated that the motorist was not within a metre? If they passed too close, for example, how would that be practically enforced? How would it be demonstrated in court that the motorist had breached the requirement to stay outside a metre?

Obviously, if there had been a collision it would be reasonable to assume that they had breached their duty. However, if there was not a collision but there was a near miss—and certainly I am very conscious that there are often repeated reports of cyclists being forced off the road by drivers who pass too close, either deliberately or negligently and so on—how would it actually be demonstrated or proven in court that they had passed too close?

So I think there are issues around enforceability. Enforceability may be able to be addressed through, for example, the ability to measure based on line markings or other road treatments. That may be possible. But again, I think there are some challenges around enforceability in any event.

The second consideration is about the purpose of such a rule. Is it designed to be a rule that can be enforced, or is it designed to be essentially an educative measure to encourage motorists to think about giving a cyclist room when they pass them? Obviously, if it is an Australian road rule it needs to be able to be enforced. Otherwise, is it solely educative? And if it is solely educative, does it need to be a rule. I guess that is the question.

In many respects, it is similar to the pedestrian crossing dilemma. Is the rule there to be enforced or is the rule there to educate and provide for a conscious effort to behave in a certain manner? That is really the dilemma with this provision. I can certainly see the merit of it, but there is a question about enforceability.

THE ACTING CHAIR: If it is a rule, it pretty much means that a car can never come within a metre of a cyclist no matter what. Does that mean that it is quasi strict liability for any accident which occurs between a car and a cyclist? If they have to give a metre, surely, by definition, if there has been a collision of some sort, they have not kept a metre.

Ms Greenland: Queensland has had to essentially work around that in the trial they are running. They have got a trial of this running for the one-metre rule. But they have also introduced other laws that actually allow vehicles to move onto median lanes, and these sorts of things, to actually accommodate the rule. I guess it is one of the

challenges. In some places you would not have a metre where you could actually allow a metre. In those circumstances, do you have some other approach—that a vehicle might have to slow down even more to pass the cyclist? It is challenging in terms of making sure there is always the metre allowance on any given road. With some roads you would be able to do it; others would be more difficult.

DR BOURKE: Minister, the changes in technology might be an answer to your question about the enforcement of the one-metre rule. There was a report earlier this year about a cyclist who was knocked over by a driver, which was photographed by an ACTION bus, as I understand. That was the evidence that was used to track down the driver.

Mr Corbell: Yes.

DR BOURKE: And many cyclists are now wearing mini-cameras on their helmets, which would presumably also provide some level of evidence. Do these technological changes mean that a one-metre rule might be more applicable?

Mr Corbell: I think they can assist. The circumstances will vary from case to case as to how verifiable that evidence is and whether it would stand up in the event of an attempt to impose a penalty. Even if it was a strict liability offence and there was a fine imposed, fines are subject to review, so they can potentially be tested in a court if someone wishes to contest the penalty, the fine.

It then comes down to admissibility of evidence, whether it is sufficiently robust to stand up in court and so on. These are the types of questions that exist. In circumstances where there is a collision, obviously they have gone inside one metre, because there has been a collision. Well, presumably they have—unless the suggestion is that the cyclist veers in front or whatever it may be. It is problematic. It is challenging in terms of the enforcement perspective.

If the purpose is to be about education, that stands very clearly as a reasonable justification. Whether or not it should be a road rule, though, then, in the circumstances where its purpose is only educative, is another question. Perhaps “a metre matters” is better promoted in those circumstances not as a road rule but as a very clear road safety message and part of a wider education effort for motorists.

THE ACTING CHAIR: If Dr Bourke does not have any further questions, I have a final one, perhaps the final one of the day. It is regarding speed cameras—whether the government has any plans to expand the speed camera network at this stage, and also what evidence exists regarding the impact they are having on road safety.

Mr Corbell: A range of these issues have been well ventilated in the Auditor-General’s recent report into the safety camera network. The government is currently looking very closely at the recommendations of the Auditor-General’s report. As you would be aware, Mr Coe, I have asked my directorate to commission an independent assessment of the safety camera network in the context of a broader range of questions as well as the issues raised by the Auditor-General. That work is now underway, and I expect to receive advice on that around the middle of this year.

So essentially the government is taking stock at this point in time, given the conclusions of the Auditor-General's report and whilst we await the outcome of the review being undertaken by UNSW.

THE ACTING CHAIR: Thank you. Dr Bourke?

DR BOURKE: No; I am done.

THE ACTING CHAIR: That concludes the hearing. The transcript will be made available in the next few days so that it can be checked and you can make sure it is accurate.

The committee adjourned at 3.56 pm.