



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, 30 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

RATTENBURY, MR SHANE, Minister for Territory and Municipal Services..... **196**

GILL, MR TONY, Director, Roads ACT, Roads and Public Transport, Territory
and Municipal Services Directorate..... **196**

PETERS, MR PAUL, Executive Director, Roads and Public Transport, Territory
and Municipal Services Directorate..... **196**

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Amended 20 May 2013

The committee met at 3.30 pm.

RATTENBURY, MR SHANE, Minister for Territory and Municipal Services

GILL, MR TONY, Director, Roads ACT, Roads and Public Transport, Territory and Municipal Services Directorate

PETERS, MR PAUL, Executive Director, Roads and Public Transport, Territory and Municipal Services Directorate

THE CHAIR: Welcome to this public hearing of the Standing Committee on Planning, Environment and Territory and Municipal Services for its inquiry into vulnerable road users. On behalf of the committee I would like to welcome the Minister for Territory and Municipal Services and officials from the Territory and Municipal Services Directorate to the hearing this afternoon. I remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement before you on the table, the pink card. Can you please confirm for the record that you understand the privilege implications of the statement?

Mr Rattenbury: Yes, thank you.

Mr Gill: Yes.

THE CHAIR: Thank you, gentlemen. I also remind witnesses that the proceedings are being recorded by Hansard for transcription purposes and webstreamed and broadcast live. Before we go to questions, minister, would you like to make an opening statement?

Mr Rattenbury: Yes, thank you. I thought I would make a few opening remarks for some context and on some things that have evolved a bit since my initial submission.

As the committee has no doubt been hearing, there is a clear body of evidence showing that certain categories of road users are particularly vulnerable to injury and death. As an example, research from the World Health Organisation shows that if a pedestrian is struck by a motor vehicle travelling at 60 kilometres an hour, the chance of death is close to 100 per cent. The chance of death decreases almost exponentially as speed decreases. At 40 kilometres an hour, the chance of death decreases to around 30 per cent; at 30 kilometres an hour, it is closer to 10 per cent. So the moving speed of vehicles is very important for a pedestrian.

The vulnerability of certain road users is unfortunately reflected in the ACT's road safety statistics. In 2012 there were four pedestrians killed, one cyclist and three motorcyclists, compared to three car drivers; there was also one car passenger killed. That means that eight out of the 12 road deaths in the ACT in 2012 were from the category of vulnerable road users, despite there being far fewer people in those categories.

The real emphasis of my submission is that taking measures to prioritise and improve safety for vulnerable road users is a very effective way to improve the overall sustainability and character of the city, and I believe that is beneficial to all road users.

Vulnerable road users use transport modes that are typically more sustainable. Infrastructure and other changes that assist vulnerable road users also tend to make the city as a whole more liveable and friendly. For example, it creates slower speed environments. You can see more people on the streets and obviously there is less pollution and congestion. There is even evidence showing that slower, peopled environments help business and commerce in the area.

I would like to emphasise a couple of the matters raised in my submission. First is the concept of responsibility. I think we should be entrenching the concept that some road users have a special responsibility to other road users. Essentially, there should be a hierarchy of responsibility where faster, heavier vehicles, like cars and trucks, have a responsibility towards the weaker and slower users, like pedestrians and cyclists. This is premised on the stark fact that a car or a truck is a fast, heavy vehicle and will kill or seriously injure a person walking or on a bike. In the same way, a cyclist has a special responsibility to pedestrians, who would usually be the weaker party in a collision.

I think we should start by making this concept a key part of driver training. I recommend that a vulnerable road user component should be one of the key competencies that a driver must pass to get their provisional licence. This kind of training is one of the reasons European countries have successfully adopted the reverse onus of proof for accidents involving vulnerable road users, which I know the committee has heard some evidence on. My understanding is that drivers in some of these countries are taught about anticipating the presence and behaviour of vulnerable road users and that they have a special burden of responsibility towards them. The proposal I have suggested would essentially educate a new generation of drivers.

I have also proposed in my submission that legislation could allow for courts to send offending drivers to be trained about vulnerable road user awareness, similar to schemes for alcohol awareness training.

A second and related element is recognising vulnerable road users in our road transport legislation. Such a definition is already enshrined in various statutes in overseas jurisdictions. Not only does it mean that vulnerable road users are recognised as a legitimate and unique category of road user; it allows for specifically targeted laws. For example, several US states have laws that provide for aggravated penalties for violating traffic laws in a way that impacts vulnerable road users, recognising that these vulnerable road users are at higher risk of both death and injury. Numerous US states also have specific penalties for threatening, assaulting or harassing vulnerable road users. I think we should have both these laws in the ACT. Harassment of cyclists, in particular, is unfortunately a common occurrence and can be very dangerous.

The changes to the laws I have just outlined are my personal opinion as a Greens member of the Assembly. They are the ministerial portfolio responsibility of Minister Corbell, who I know appeared before the committee yesterday. I have raised them with him. I hope this committee will give them consideration in its report.

In my own portfolio of Territory and Municipal Services, there are several improvements we are exploring. The first is the extension of 40 kilometres an hour zones beyond town centres. To start with, we have been looking at the possibilities for

40 kilometres an hour zones in group centres.

A broader issue that I think the government needs to look at is the trial of 40 kilometres in some residential areas. This requires further work, including to the design standards for new estates so that they are more conducive to slower speeds and more active neighbourhoods. For the committee's interest, there is a lot of work being done around the world on 30 kilometres an hour limits, in places in the UK, in particular, that I have outlined in my submission.

I have asked TAMS to look at the issue of using a formal road user hierarchy in its urban planning work. When building or revamping an urban environment—Bunda Street, for example—there are various design options that we could pursue. Clear policy guidance will help achieve the right outcomes. The policy should give priority to pedestrians first, then cyclists, then public transport and then cars. The National Capital Authority, through its 2011 national urban design protocol, has adopted this hierarchy. The committee may wish to examine the policies of other cities around the world that have adopted similar design hierarchies.

TAMS is looking at several smaller, discrete issues as well. The committee would have noted that we are trialling some infrastructure to help separate cyclists from motor traffic. Separation is a big issue for cyclists' perception of safety. And while we are trialling minimal separation, there is a potentially useful option for cheaply retrofitting areas where more solid separation is perhaps not economic at the current time.

TAMS has also done some detailed investigation, including through the bicycle advisory group that it hosts, on the issue of one-metre separation for cyclists and the issues of riding across marked and signalised crossings. I am happy to discuss these issues further.

In summary, I think there is room for progress in each of these areas, possibly with some careful tweaks and complementary measures.

Several of the areas I have just mentioned have some overlap with other areas of government, and TAMS will, of course, work with other agencies on these issues. On this, I do have a view that the government would benefit from consolidating some of the currently disparate functions that relate to vulnerable road users and active travel. In my view, one of the key outcomes for the committee, if I might be so bold, and for the government in response, should be to assist and encourage more people to use sustainable transport. This is a side effect of making vulnerable road users less vulnerable through better protection and prioritisation. This would be a good outcome for safety as well as a good outcome for the environment and the ongoing urban amenity of Canberra.

I leave my remarks at that, but I wanted to emphasise those particular points.

THE CHAIR: Thank you, minister. I will kick off with a couple of questions in relation to the statement you have just made, in particular, the changes to the 40k speed zones around the city. You have indicated there that you are looking to widen those areas. Have you had any feedback so far, or has there been any testing, of how

the 40k zones have provided results since that installation around London Circuit?

Mr Rattenbury: Yes, certainly. Just by way of background, the criterion for where a 40 kilometre an hour zone should be so far has been areas that are of high pedestrian activity and close to areas of significant commercial activity. These are the areas where we see the greatest interaction between pedestrians and vehicles and therefore the areas where it is most relevant to have it. The trials have been quite successful. The first ones were put in place in 2011 in Woden and Tuggeranong. The feedback from those was such that TAMS saw fit to continue to roll it out into Gungahlin, the city and Belconnen.

THE CHAIR: Has there been any negative feedback from motorists, for example?

Mr Rattenbury: I think the negative feedback has been limited. I think the area that has been of primary concern, if I am frank about it, is that people do not like the traffic calming devices that have gone with implementing the 40 kilometres an hour speed zones.

THE CHAIR: That feedback on the dislike for traffic calming—has that come from motorists, residents or shop owners?

Mr Rattenbury: Predominantly from motorists.

DR BOURKE: What don't they like about them?

Mr Rattenbury: People just do not like speed humps, Dr Bourke. There is a trade-off there, and we have obviously discussed this in various other contexts, but the various traffic calming devices provide that sort of 24-hour enforcement, if you like, or implementation of the lower speed limits, whereas with having police cars turn up or the traffic vans, there is a limit to how frequently they can be there.

THE CHAIR: The other formative question I wanted to ask was this. You talked about separation, and you have made some announcements about some retrofitting to allow separation between cyclists, for example, and vehicle users. You also mentioned marked and signalised crossings. Can you describe for us what you mean by marked and signalised crossings? Is that for pedestrians and pushbike riders, for example?

Mr Rattenbury: Yes. Just briefly on separation, TAMS has just rolled out a trial of a number of different technologies in five sites across the city. Both through TAMS's own research and through suggestions from members of the public, people have identified various technologies that are available, and a number of them are now being trialled. One is the rumble strips. They have got a technical name, but most people know them as rumble strips. A raised plastic platform is another that is being trialled across the city in a number of locations. It is a 12-month trial. We have put them out there in just a few locations to see how it goes and to canvass feedback. I have had some already, and I am sure we will get a lot more over the next 12 months. The consultation will be with a range of groups, including the bicycle advisory group, of which Pedal Power is a key member, and also motorcycle rider groups, for example, again recognising their vulnerability and the particular needs they have on the roads.

In terms of the crossings, there are two types of crossing issues. The first is crossing at traffic lights inside a marked zone, where there is essentially a green human figure that comes up and says you can cross now and there are two white lines on either side. I believe that is a simpler one. At the moment cyclists are required to dismount and walk across such a crossing. The advice I have from TAMS is that that would be a relatively simple one to change, because there is a control already of the crossing. We would need to put in place rules that dictate that people should slow down, be mindful of pedestrians and keep to the left. So it is about quite obvious things. That is a relatively simple change, which I would be supportive of.

The more challenging one is cyclists crossing marked zebra crossings. At the moment, cyclists are required to dismount. I think we have all observed that they generally do not; probably in 95 per cent of cases people ride across those crossings. There is a challenge there to think about what is the right legal response to that. I have sought advice from TAMS on this, and the view is that we could change the law in a way that cyclists would be required to cross at a walking pace. I guess the tension we are trying to balance here is that you obviously do not want cyclists shooting across the road at a pedestrian crossing but the practical reality seems to be that people find dismounting inconvenient. I think that, as pedestrians do when they walk up to a crossing, you want to ensure that you have engaged the motorist, that you have got a sense they have seen you and they are slowing down for you. If we were to change the law, we would need cyclists to approach the crossing in a similar way and not just whiz across, to use the non-technical term. If we were to change the law in that way, we would need to require that sort of approach—essentially a give-way approach almost.

DR BOURKE: Minister, we have had some evidence from drivers about not understanding how to interact with the city cycle loop and road cycle lanes at corners or intersections and merging across lanes. What feedback have you had, and what problems do you know of?

Mr Rattenbury: I have not had significant feedback to that effect about concerns of motorists. Certainly right at the start there was some discussion about what was the best way to mark the intersections. Some cyclists suggested to us—and my initial thought was—that we wanted perhaps an unbroken white line across the intersection to designate the continuity of the lane. However, the advice was that we did not want to do that because that both would be confusing to the motorist and would suggest to cyclists that they had a right to keep going even if the traffic lights were against them. So, instead, dotted or broken white lines have been used.

My colleagues might wish to comment on that. Tony, have you had any further feedback.

Mr Gill: As the minister said, at the outset, when the city cycle loop was implemented, there were some initial comments. It is the first time that this type of treatment has been used in Canberra, so there was some lack of awareness, basically, of how it might work. There were also some issues about cyclists. It has been designed for cyclists travelling in one direction, but in practice a number of cyclists were using it in both directions, which compounded the situation. Since it has been implemented now for some time, the level of comment, concern and inquiry has reduced, and the level

of take-up of the actual facility has increased to an extent of between about 250 and 300 people using it each day. It is early in the piece, but it indicates that it is a facility that has been provided and is now being used.

DR BOURKE: Minister, another witness, focusing on roads and paths around Griffith in particular, identified paths with no ramp to the road, paths not connecting with a corresponding path on the other side of the road and road cycle paths that stop at inconvenient places. She included aerial Google map photos showing paths worn by pedestrians into the grass verges to illustrate that the nearby concrete path was in the wrong place. What sort of ongoing audit is there of these problems, and is there a program for fixing them?

Mr Rattenbury: Yes, there is. I think these are particular issues in the older suburbs, with the infrastructure there. There is the old lip on some of the gutters that is obviously problematic for people with strollers, wheelchairs and other mobility devices. TAMS has an ongoing program both to repair and to maintain older infrastructure and to install new infrastructure in places where we get requests. Like the traffic warrant system for roads, there is a prioritisation list for footpath and guttering upgrades. They are prioritised. TAMS steadily works its way through the list as the budget allows each year. Obviously, if there is a more significant safety issue or perhaps a higher level of demand, those sorts of criteria, things will come up the list—or they may go down the list depending on where they fit into that prioritisation.

DR BOURKE: Is there any way citizens can find out where their lip is on the list?

Mr Rattenbury: I cannot remember.

Mr Gill: We have that list published on the website. But also people can contact Canberra Connect and contact us directly.

DR BOURKE: Good.

MR COE: Minister, I wonder if you could please advise in what capacity your submission was written.

Mr Rattenbury: Mr Coe, do we have to do this line of questioning?

MR COE: We do.

Mr Rattenbury: All right. I know you will probably never get over it. We will be doing this for the full four years of this term, no doubt. I have submitted it, as I actually noted in the very first paragraph, which I direct your attention to. The ACT government has made a submission. I indicated in my submission that I would like to add some additional comments to that, and I have added those additional comments.

MR COE: In what capacity are you adding those additional comments?

Mr Rattenbury: As a member of the Assembly, Mr Coe, who has also the Territory and Municipal Services portfolio.

MR COE: If these are your views as a member of the Greens, I am a bit confused, because you have signed it off as Shane Rattenbury MLA, ACT Greens member for Molonglo, yet you have put your ministerial letterhead on it. So it is a tad confusing. Now you are before this committee with TAMS officials. It is just a tad confusing as to whether TAMS officials are in effect here to endorse your policies as a Greens member of this place or whether they are here to actually support the government.

Mr Rattenbury: I do not think the vulnerable road users of Canberra care, Mr Coe.

MR COE: I think there is an important distinction here as to whether this is government policy or whether this is something by which you are using government resources to prop up Greens party policy.

THE CHAIR: Mr Coe, just to clarify, for the record, the committee has invited Mr Rattenbury in his position as Minister for Territory and Municipal Services this afternoon.

MR COE: Exactly right, and that is why it is interesting that his submission is not actually in that capacity, chair. I find it very curious why you are speaking to your submission rather than speaking in your capacity as Minister for Territory and Municipal Services, in which you were called to this committee.

Mr Rattenbury: In my opening remarks, Mr Coe, I made a number of remarks, and at the conclusion of some of them I said that they were my personal views. I then said, “As the Minister for Territory and Municipal Services, I add the following work that TAMS is doing.” In terms of your discomfort around the officials from Territory and Municipal Services being put in a difficult position, I would not expect them to endorse any of my personal views. They will only be here to answer detailed technical questions that you might put to them.

MR COE: Who prepared your submission?

Mr Rattenbury: I did, with the support of my office, but without support from TAMS.

MR COE: When you initiated discussions here, you said that you were going to add to your submission. Are you adding to your submission as minister or are you here separate to your submission and here as the Minister for Territory and Municipal Services?

Mr Rattenbury: I think I have made my position quite clear, Mr Coe.

MR COE: I do not think it is clear. You have said that you are speaking to your submission, which is not in your ministerial capacity, yet you are here as a minister and you have brought resources paid for by taxpayers.

Mr Rattenbury: Is this really the most interesting thing you have got in mind when it comes to dealing with vulnerable road users in the ACT?

MR COE: It seems to me, minister, that you are treating this committee with

contempt. An example of doing that is by way of the separated cycle paths. That is something which the opposition has been calling for for a long time, yet when we asked Minister Corbell about that, he had no knowledge of it prior to the government's submission. If he had no knowledge of the separated cycle paths prior to the government's submission, surely it means that that project has been initiated after this committee has been established.

Mr Rattenbury: Yes.

MR COE: Therefore, why are you making inroads when you yourself set up this committee to look into this very issue?

Mr Rattenbury: Now at least we are on an actual substantive issue. I did hear your questioning of Mr Corbell yesterday. The honest answer to your question is that it is a very small trial. It is a limited number of locations. These things are iterative. They are an ongoing process. To be honest, they are on such a trial scale that I do not think it is inconsistent. It is certainly not meant to be contempt of the committee. I think it is part of an ongoing process of trying to improve all of these things. The lessons we will learn from those five trial locations will undoubtedly further assist both TAMS and potentially the committee in our respective deliberations.

MR COE: Do you not think it is insulting to this committee?

Mr Rattenbury: No, not at all.

MR COE: We have been inquiring into the issue of vulnerable road users, including hearing from many witnesses about cycle paths, but the first anyone on this committee hears about a trial on this very subject is by a media release. Do you not find that somewhat interesting?

Mr Rattenbury: If anybody on the committee is insulted by that, I offer my apologies. It was intended to be a positive initiative that I think is a very small part of the much bigger issue that you are looking into.

MR COE: What is the genesis of that trial?

Mr Rattenbury: As I explained earlier, it has come forward from the research that TAMS have done, the knowledge they generally have and suggestions that have been put to me through my office. I discussed it with TAMS, and for a relatively small cost we are taking the opportunity to trial this in a limited number of locations to see what practical feedback we get from all of the users in Canberra.

MR COE: When did that process start?

Mr Rattenbury: I could not give you an exact date. It has been a sort of morphing discussion over time. We have researched the various pieces of technology that are available. Probably the actual finalisation of the decision to go ahead with the trial would have been in the last couple of months. I cannot think of exactly when I spoke to TAMS about it.

MR COE: Before or after this committee was established?

Mr Rattenbury: After.

MR COE: And before or after the submissions were prepared?

Mr Rattenbury: Probably after.

MR COE: Right. So after the committee was established, after the government has made a submission, you go and make an announcement by way of media release which you think is very significant—and potentially it is. Do you not think that this committee deserved to be able to contemplate this issue prior to you rolling this out?

Mr Rattenbury: As I say, I think it is complementary to the work of the committee. I do not think these are mutually exclusive things. I think it adds—

MR COE: It is parallel at best, I would say.

Mr Rattenbury: That is your interpretation.

THE CHAIR: Mr Coe, it is also good to note for the record that, when you speak in terms of being frustrated or disappointed by the project, that is not the feeling of the committee. That is your particular feeling.

MR COE: The matter of hats is very important, I see. Minister, have you used any government resources to promote Greens policies that are not government policies?

Mr Rattenbury: I do not know how to answer that question, Mr Coe. I think any member who comes to this place—I come to this place as a Greens member and I am elected to seek to implement the policies that I took to the election, just as you are. I do not know how to draw the distinction you are trying to draw.

MR COE: There is a distinction, because you are using taxpayer resources, whereas others are not.

Mr Rattenbury: I am not so sure about that. You, obviously, as a private member are allocated a certain amount of taxpayer resources to prosecute the work that you do.

MR COE: And I do not doubt what your office does; it is more whether you are inappropriately using your agency to undertake work on behalf of the Greens as opposed to the government.

Mr Rattenbury: I do not think I am. Obviously, as a Greens minister, I ask my agency to look at various matters that are of interest to me. And I have a particular perspective on policy matters, just as you do. I will sometimes ask my agency. I will say: “This is a view I have on it. Can you give me advice?” They will come back and say, “Yes, we think that can work,” or they will say, “Minister, actually, we don’t think that will work,” for particular reasons, at various times. Then I take that advice.

MR COE: In conclusion on this line of questioning, your agency, by which you are

supported today, was not involved in the submission on which you are presenting today?

Mr Rattenbury: No. I made this submission through my own office. Just so that we are absolutely clear, and you do not try and use my words in some inappropriate way in the future, let me say that there is no doubt that I have probably discussed some of the issues in this submission with officials from TAMS at some time in the course of discussing vulnerable road user policy. But this submission was written by me and my personal staff from my office.

MR WALL: Minister, what data and research have been undertaken as part of the segregated cycleway trial?

Mr Rattenbury: Of the current one?

MR WALL: The current one.

Mr Rattenbury: I will get Mr Gill to go to the technical set-up of that.

Mr Gill: To give the context in terms of the trials, TAMS basically implemented a trial of the on-road cycling lane on Commonwealth Avenue linking Northbourne around Vernon Circle. It is quite heavily used by cyclists but there is a propensity for motor vehicles to veer into the cycle lane. About three years ago, we initially implemented a trial separation by use of some line markings. We observed the number of incidents where motor vehicles basically continued to cross over that line. That trial proved to be ineffective. The line markings basically were inappropriate. Cars continued to cross over the line on an ongoing basis. So we did not continue to evaluate that particular trial.

More recently, through discussions with the bicycle advisory committee, which is made up of groups such as Pedal Power, the Canberra Cycling Club and a number of agencies which talk about the provision of walking and cycling infrastructure, the suggestion that we consider alternative measures to implement trial arrangements was discussed. Five or six locations were considered. The nature of the evaluation is just people's perception of whether they feel safer using the facility when the separators are in place. It is not quantitative; it is basically people's perceptions. We will be basically approaching groups such as Pedal Power and other cycling groups to get a sense of whether they feel the new arrangements are effective from their point of view or not.

MR WALL: When will that be undertaken?

Mr Gill: Over the next 12 months. We said we will basically monitor it on a monthly basis over the next 12 months.

MR WALL: Is there any feedback that has been gathered to date?

Mr Gill: Very little—very little feedback.

MR WALL: Will what feedback has been gathered be shared with this committee?

Mr Gill: There is no reason why it would not be shared with this committee. That will be a choice for the minister, but there is no reason why it would not be.

Mr Rattenbury: I just do not know how much we have yet, Mr Wall.

Mr Gill: We have not got anything at the moment.

Mr Rattenbury: I have had a couple of tweets.

MR WALL: What are the KPIs for the project?

Mr Gill: Basically whether people perceive it is safer by using this facility, whether it provides a level of separation. Being a cyclist yourself, you would have a sense of whether you feel safe on a particular section of road or not.

MR COE: But how do you assess that?

Mr Gill: Basically by approaching people who use it and speaking to them, asking whether they feel safer or not.

Mr Rattenbury: The other thing is that people will actually write. Constituents will start to write. I have had a couple of tweets from people already; I have suggested that they write to me by email so that we can gather some of that feedback, too.

THE CHAIR: Will you be contacting some of the cyclists groups and those forums?

Mr Gill: They are party to the trial. We will also be having discussions with the NRMA. But it is a small-scale trial. In the scheme of things, it is a small-scale trial. It is trying some relatively low cost measures in a small number of locations.

THE CHAIR: Minister, in your opening statement you talked about providing some different training for licence holders in the ACT in regard to vulnerable road users. You said that you would like to see that within the training modules. Do you have any thoughts on incentives and disincentives that could be provided for licence holders in the territory in regard to that?

Mr Rattenbury: No, I must confess I do not, Mr Gentleman. My focus in this has simply been that, particularly with younger drivers when they are first coming into learning to drive, if people are given that basic awareness, they will know to look for motorcycles, be conscious of perhaps not always relying on the mirror but needing to look over their shoulder and things like that. It is much more about ingraining the culture. That is what I had in mind. I had not thought of incentives or penalties particularly.

THE CHAIR: We have had submissions in regard particularly to motorcycle safety. Some of those submissions have indicated that there is a generation of people who, perhaps after they turn 45, are purchasing motorcycles at a time when they have not been on the road on a motorcycle for many years and that the training they are receiving for their licence—they may already have a motorcycle licence—does not

actually bring them any new awareness. I wondered if it is worth while looking at incentives to get that cohort of people back into a training regime.

Mr Peters: Generally when you are looking at road safety, you are probably looking at the education of people, enforcement of behaviour and engineering measures to try and take the risk right away. The best way to eliminate any risk to people or to reduce risk to people is obviously to eliminate it. That goes to how we construct roads, cycleways and intersections and all that sort of stuff. That is the engineering side of it. The enforcement side of it is how we actually reinforce to motorists that they need to obey the speed limits and the driving rules. That is an important part of the equation as well. The third part is the education of the motorist. It is probably well recognised that education has an important role to play in road safety generally. For this specific group—people who are not aware of how to ride motorcycles around Canberra or wherever—that additional education might be of some benefit, given that overall context that there are a number of factors that come into play in keeping people, in particular vulnerable road users, safe in the system.

Mr Rattenbury: Did I understand you, though, Mr Gentleman, to imply that there could be, for example, some sort of incentive for over-45s to go and do a safe rider course? Is that the sort of thing you are getting at?

THE CHAIR: Yes, but broader than that. You talked about the opportunity to teach new drivers awareness skills for vulnerable road users. But there is still this cohort of people who have learned the process of driving and do not pick up any new awareness skills. How do we get that cohort to become involved?

Mr Rattenbury: I see. I will have to give that one some further thought. It is an interesting question.

DR BOURKE: Minister, the Justice and Community Safety submission showed a high number of cycling crashes on shared paths in pedestrian areas. I will ask you much the same question I asked Mr Corbell: is it a matter of needing better manners and education or, with the growth in cycling, particularly cyclists commuting at high speeds, can the existing cycle path infrastructure cope?

Mr Rattenbury: The bottom line for me is that we just need people to be a whole lot more polite to each other out there and to respect and share the space. As someone who uses the shared cycleways a lot, both as a runner and as a cyclist, I have seen some pretty poor behaviour out there that is often just about impatience and intolerance. And that is on both sides of the equation. I certainly think cyclists could do a lot more to have bells and use them on the cycle paths and to slow down in certain places. There are certain areas that have got much higher pedestrian traffic where some of the cyclists should really slow down.

I think it also speaks to the necessity of providing a range of infrastructure. My personal view is that those cyclists who are out there trying to improve their time trial performance probably should not be training on the shared cycle paths. Having good on-road facilities that are safe is probably a better thing for those particular groups.

I am not sure that it is predominantly an infrastructure issue; I think it is more one of

culture.

DR BOURKE: Whilst we are talking about cyclists, in your submission you note the lower proportion of women riding bicycles generally. What do you attribute that to?

Mr Rattenbury: There has been a long-held myth that it was about helmet hair, but it is not actually the case. Research done by the Cycling Promotion Fund and presented early last year identified some issues. I go to some of the points in the second page of my submission, in the dot points there. It is all about perception of safety. Women tend to be more nervous cycling in traffic, so they are seeking greater rates of separation, in particular. I think separation is seen as a key way to encourage more nervous cyclists, and women seem to be more nervous than men generally. That is the issue. I think other issues such as personal safety around the provision of lighting and the like are also important to female cyclists.

MR COE: Minister, I was wondering whether you have any thoughts about the various rules and codes that are in place and their enforcement at present. It is all very well to have often very complex road rules and to legislate, regulate or codify something with the best will and intentions in the world, but unless it is actually enforced, and also informed, it does not necessarily mean much. I was wondering whether you have any thoughts about how the government is going with enforcement.

Mr Rattenbury: I think it is a very fair point, Mr Coe. In some ways it goes to the observations I was making around whether we could change the rules around riding across zebra crossings. You could write a perfectly good rule about how people should slow down to walking speed, for example, but how one would enforce that is obviously a difficult question. It sounds like a good and practical policy on the face of it, but the enforcement of it would be quite challenging.

I think in this area in particular the rules provide an important part of awareness and create a link back to that cultural issue of saying, "Actually, there are certain expectations of how people should behave." Education is an important part of it. For example, if we were to change the rules around zebra crossings, we would need to undertake a very substantial education campaign to both make motorists aware of the change and, particularly, encourage cyclists to accept the responsibility that the change would deliver to them.

DR BOURKE: Do you think they actually know that they are supposed to get off and walk across zebra crossings at the moment? In my experience, most people do not know that that is what they are supposed to do. In fact, I often see motorists giving way to cyclists approaching pedestrian crossings; they slow down and stop, and the cyclist rides through.

Mr Rattenbury: They either do not know or common practice has changed the dynamics. That is why I have asked TAMS to have a look at it. What we are seeing in common practice is actually contrary to the law. It begs questions about whether we have the right law in place if basically everybody is disobeying it.

DR BOURKE: I do not think I have ever seen anybody get off and walk a bicycle—

Mr Rattenbury: I have seen one or two in my time, but yes, it is very rare.

MR COE: With regard to the traffic calming devices, around the town centres primarily, where they are already next to a traffic control of some sort, such as the ones at Akuna Street, where you have got speed humps right before traffic lights, or, say, Kingsley Street, where you have got a stop sign and then you have got a speed hump sort of integrated into the stop sign—are they potentially another distraction for a cyclist? And if the control is there, why do you need the traffic calming device?

Mr Gill: You are talking about the raised speed hump?

MR COE: The raised speed hump, for instance, at Kingsley Street, or just here with the speed cushions by the pedestrian crossing—are they not actually working against each other?

Mr Gill: The logic of installing them was to reinforce the reduced speed limit at some locations. Prior to implementing the trial, the actual speeds were measured at a number of locations. We have only put in some travel calming measures at those locations where the speeds continue to be quite high. It is to reinforce. I understand your point about the potential for distraction.

MR COE: Yes.

Mr Gill: It is trying to get that balance right.

MR COE: For instance, one of particular interest that is potentially very dangerous is the speed humps near the stop sign at the Westfield bus station. You have got a road—

Mr Rattenbury: In Belconnen?

MR COE: Yes, in Belconnen.

Mr Gill: They have been put in for different reasons.

MR COE: I understand they may be for different reasons, but with that one in particular, there are a few things happening in that location. I wonder whether, in actual fact, the addition of speed cushions in those sorts of situations, as opposed to just having an open road, really detracts from the core issue.

Mr Gill: Without giving you a long response—

MR COE: This could be a first.

Mr Gill: No. This could be a long response, but I will provide you with the short response.

MR COE: Famous last words, Mr Gill.

Mr Gill: When that facility was initially opened up, there were no speed humps. It is

a situation where the buses have priority at the facility, so it is an unusual priority arrangement: the buses, the smallest volume of traffic, have priority over vehicles up and down Cohen Street. There have been a number of crashes; the gradual introduction of speed humps and additional signage has been to reinforce to motorists that they have to stop. It has not been as successful as we had anticipated or had hoped. It is the subject of a current investigation between Roads ACT and ACTION in terms of what are the options. But you are right: with the number of speed humps and signage, some of the comments that we have received back are that it is distracting. I accept that point.

MR COE: As a rule of thumb, is it better to have speed cushions, speed humps or whatever bump device you want to have on open road as opposed to adjacent to another traffic control?

Mr Gill: Are you talking about a stop sign and then an adjacent set of speed cushions? The stop sign basically is a passive control; obviously it hopes to have some impact on the driver behaviour. The physical measure on the ground reinforces that in a physical way.

Mr Rattenbury: The Kingsley Street one—I have just been picturing the one you mean—is a good example. It is similar to the Belconnen thing. Because the buses have priority coming through, there is not the natural flow of intersection that people expect. That is why that one has been put there—to try to reinforce that sort of unusual right of way.

MR COE: That is right. But what can end up happening in those situations is that somebody comes to a complete stop before or at the speed hump. So in actual fact, the speed hump is perhaps restricting or inhibiting their ability to do a stop of sorts or at least to start up again and potentially get swiped by a bus on the way through as they start up from a dead stop going over a speed hump. Anyway—

Mr Gill: It is possible that in that location those speed humps will be removed and we will look at an alternative way to manage it.

Mr Rattenbury: That is the Belconnen one?

Mr Gill: That is the Belconnen one.

THE CHAIR: Mr Gill, is there a particular code of practice adhered to when you are putting in stop signs, cushions and that sort of thing?

Mr Gill: There is, yes.

THE CHAIR: That is—

MR COE: It is standard 1742 or something?

Mr Gill: There is an Australian standard—as Mr Coe said, 1742. He is well versed on these measures.

MR WALL: Minister, this committee heard and received a submission from the principal of Melrose High School.

Mr Rattenbury: Yes.

MR WALL: Regarding the issues that they had with pedestrian traffic coming from the school heading across Athllon Drive.

Mr Rattenbury: Yes.

MR WALL: My first question is: why has it taken the directorate so many years to come up with a solution to the issues at that site?

Mr Rattenbury: I am very familiar with this one. I have spent quite a bit of time talking with TAMS about it in the last six months or so. I know that ministers before me put some time into thinking about this as well. It is particularly tricky.

MR WALL: Perhaps time, but no result.

Mr Rattenbury: I would not possibly comment in that space. It is a particularly tricky place because it is one of the few situations where—we are very fortunate in the ACT that most of our schools are on quieter roads. With Melrose High School, because of that particular bus stop, we have got students moving across an 80 kilometres an hour road. TAMS has spent quite some time talking to the school. Various measures have been tried that have proved to not be effective, including trying to work with the students to explain their responsibilities. Various other measures have been put in place.

The measure we have now got to, which has sought to specifically target the problem, is to install a 60 kilometres an hour speed zone just between 3 and 3.30 in the afternoon. We have taken that approach because we believe that motorists will respect that speed limit during that time because there is a clear purpose for it, but it allows a good level of traffic flow on what is a main thoroughfare for the rest of the time, when the students are not there. It is an issue for about 15 minutes in a school afternoon. That is why we have taken that approach. That has been done in consultation with the school.

There are other things in place. There is an underpass not very far back down the road from the intersection, but the students just do not choose to take that 100-metre deviation, for example.

MR WALL: It struck me the other day as I was driving down that section of road that, as you mentioned, it is only a part-time speed reduction during those afternoon periods.

Mr Rattenbury: Yes.

MR WALL: What is the directorate considering in terms of a means of notifying drivers that it is around 3 o'clock in the afternoon that the speed has been changed? Are flashing signs or the like being installed as part of that?

Mr Rattenbury: Certainly, in the initial phase, those variable message boards on trailers were taken out there to raise awareness. In the longer run—

Mr Gill: In the short term, as the minister says, there were some variable message signs. But there is actually signage which says that the speed limit is reduced between 3 and 3.30.

MR WALL: As I understand it, it is common practice now.

Mr Gill: The ultimate arrangement is for us to have a permanent variable message sign that can flash the speed limit as it applies at the time, similar to what you might see in some other jurisdictions.

MR WALL: I was going to say that as far as I am aware—

Mr Gill: That will be a permanent facility as opposed to a temporary facility.

MR WALL: Such as a school zone in New South Wales, where they have temporary time changes. Where it is morning and afternoon only, there is a flashing sign or a red ring around the speed sign that illuminates.

Mr Gill: Our commitment to the school is that, because we were keen, after getting agreement with the school, on an approach, we would implement it for a period of time, come back to the school, get a sense of how they feel it is working, provide some feedback to them in terms of how their students are using the facility and then look at implementing a permanent arrangement.

MR WALL: How far through the trial process are we?

Mr Gill: The trial was implemented on 11 March, I believe. We indicated that we would allow it to run for at least a term. Then we have an invite back to the school to discuss the arrangement. We have had some initial feedback from the school. Apart from putting in the reduced speed limit, we have made some modifications to the actual traffic signal arrangements. We have extended the amount of time that students can cross. Initially that did not work as well as we had envisaged. Also, a number of the students continued to cross the road informally, which did not help the situation. There is an ongoing process with the school. We have got, I would suggest, a good working relationship.

THE CHAIR: Are there any further questions for our witnesses today?

MR COE: Yes. Minister, I have a question that I have raised before with regard to roadside barriers.

Mr Rattenbury: Wire rope barriers?

MR COE: All versions, I guess. The concern is particularly about wire rope barriers, but also about the terminals and other roadside infrastructure. I was wondering whether the government has formed a definitive policy on the use of wire rope

barriers.

Mr Rattenbury: I am aware that this is a particular concern for motorcyclists; motorcyclists have some quite strong views on this. I have spent some time asking about the details of this. The advice I have at the moment is that wire rope barriers are accepted across Australia as best practice. That said, there is a constant upgrading, as there is with many other things, of the standards and the quality of the infrastructure and safety improvements. TAMS is keeping up with those on a constant basis. At the moment, we are also looking closely at the experience in Victoria, where they have inserted some plastic inserts into the wire rope barriers which are considered to be an improvement. We are looking at how quickly we should roll those out based on how they go in Victoria if they are successful. It is a relatively cost-effective change.

MR COE: In effect, padding around the upright?

Mr Gill: The posts.

MR COE: Yes.

Mr Rattenbury: Yes. We are monitoring it, but at the moment they are still considered to be a best-practice approach.

MR COE: Minister Corbell told us earlier in the week—I am paraphrasing, of course—that they are particularly effective at slowing down and stopping cars but that the jury is out with regard to motorcyclists or that the benefits or risks to cyclists are debatable. With that said, are they cheaper than solid terminals or solid barriers? If so, is that simply for construction? And what happens after they are hit and they need to be realigned or resprung, for want of a better term?

Mr Gill: To provide you with an authoritative basis on this subject, Mr Coe, I refer you to *Guide to road safety part 9: roadside hazard management*, which is an Austroads publication. It covers this area quite well. I am just looking at an extract. It talks about safety barriers; it talks about some of the choices. It talks about safety barriers and motorcyclists, in particular. So there is a good basis for you if you want to get a good understanding of it.

In broad terms, it says that a flexible wire barrier is the most effective type of barrier in the sense that, when collided with, it does the least damage to the vehicle and it results in the least injuries to occupants of vehicles. That is the broad statement. It acknowledges some concerns from motorcyclists. In response to those concerns, a number of jurisdictions—Victoria and New South Wales—recently have implemented some trials about providing some additional protection to the posts. The area the motorcyclists are concerned about is coming off the bike and having the lower part of their body—torso and legs, basically—colliding with the posts at high speed, and the sort of damage they might do in that circumstance. As I said, Victoria and, more recently, New South Wales, in a section on the Kings Highway, are trialling polystyrene energy-absorbing material around the posts. We will observe that, but there is no reason why we would not adopt that for practice in the ACT if it is a reasonable outcome. There is no supporting evidence that wire ropes are less safe than other crash barriers.

MR COE: Sure. What I have at least heard from motorcyclists is that with the continuous structures, especially when they are, in effect, double the height of a usual one, they are, in effect, able to slide or glide along the bottom as opposed to taking the full force that they would if they were hitting wire, for instance, and are actually able to slide until they come to a stop. That is obviously not possible with the wire rope barriers.

Mr Gill: Wire rope barriers would be described as flexible-type barriers. When a car hits it, it travels along. The posts have very little impact on holding the wire. The car is basically travelling along it and the energy is dissipated over a period of time.

MR COE: For a car, that is right.

Mr Gill: For a car. For motorcycles, if they hit the post, the concern motorcyclists have is about the potential damage that that post could do to their legs.

MR COE: Yes. I am saying that the concerns I have heard do not exclusively relate to posts; they also relate to the wires themselves.

Mr Rattenbury: In what way?

MR COE: I think they are sometimes called cheese slicers or cheese graters.

Mr Gill: I think most jurisdictions acknowledge the concerns that you are talking about. That is why they are looking at what they can do to minimise that and still use that type of wire rope. But there is not a history of poor motorcycle crashes in the ACT, or indeed across Australia, with wire rope barriers when you actually go to the source of the information. Yes, anecdotally you hear a lot of comment, but when you go to the authoritative sources and look at the crash data, there is not a lot of supporting information.

THE CHAIR: Mr Gill, the main purpose is to stop the vehicle or the rider travelling into the other lane, isn't it—on the other side of the wire rope barrier?

Mr Gill: Basically off the road altogether.

DR BOURKE: Into the trees.

Mr Gill: Yes. But barriers, whether they are a wire rope or steel barrier, in themselves are a hazard. When you are installing them, you have to make a judgement as to whether installing the hazard is better from a risk point of view than not having them. That is part of the process.

MR COE: But then within that there is which barrier as well.

Mr Gill: Which barrier. And then it requires looking at specific locations to come up with the appropriate treatment.

MR COE: By way of cost—

Mr Gill: By way of cost, it is comparable in terms of initial capital cost. It is much easier in terms of ongoing maintenance, in terms of replacing wire rope barriers. It is a much easier process to replace wire rope than to replace, say, a metal guardrail.

MR COE: And that is the same for the initial capital costs as well?

Mr Gill: It is comparable initially, but ongoing maintenance favours wire rope. And wire rope technically, in a broad sense, is considered a more effective barrier.

THE CHAIR: Thank you very much. That concludes the committee's proceedings for today. On behalf of the committee, I thank you for attending. A copy of the transcript will be made available on the committee's webpage in a few days time, and we will send a copy to witnesses to check for any typographical or other transcription errors. The hearing is now adjourned.

The committee adjourned at 4.28 pm.