

ROAD SAFETY COMMITTEE

Inquiry into Pedestrian Safety

Melbourne — 1 May 2006

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Superintendent Peter Keogh, Traffic Support Division, Victoria Police.

The CHAIR — Welcome to Superintendent Peter Keogh from Victoria Police. We appreciate your time and input into our inquiry into pedestrian safety. Victoria Police has provided a submission and we appreciate that. If you would like to speak to that submission we will ask questions as we go along.

Supt KEOGH — Thank you. Good afternoon, everyone. I thought I would start with a snapshot just in case you were not aware of the current situation with fatalities involving pedestrians. To midnight last night, 18 people have been killed so far this year compared to 14 for the same period last year.

Mr BISHOP — Was that 18, Peter?

Supt KEOGH — Eighteen people killed compared to 14 last year, and 18 is also the five-year average. So it is pretty much on a par.

For the 12 month period to the end of November last year there were 572 serious injury crashes involving pedestrians, compared with 637 and 697 for the periods 2003–04 and 2002–03. So there has been a decline.

Initially we were asked to comment on limited recommendations, so the paper that I have presented this afternoon is limited to those recommendations we were asked to comment on.

The CHAIR — That is fine.

Supt KEOGH — As I said with recommendation 2, the 50-kilometre-an-hour speed limit, or default speed limit, was introduced in January 2001. Monash University Accident Research Centre suggests that there has been a 13 per cent casualty crash reduction involving all road users and a 40 per cent reduction in serious and fatal crashes with pedestrians. I think those statistics are significant.

We support the default speed limit on local residential streets. I think generally it is well accepted, albeit that in some areas the community is crying out for signage to show that they are in a 50-kilometre-an-hour speed zone. I know that people at VicRoads struggle with the signage aspect of it. Some states have different line marking to identify that a zone is a 50 and not a 60 speed zone. I am sure something like that would be more acceptable to the community.

Mr EREN — Peter, I refer to the statistics you referred to of 18 pedestrians having been killed so far. Do you have a breakdown of where these accidents occurred? Were they on highways? Were they on side streets where the speed is 50 km/h? Would you have a break down of that?

Supt KEOGH — I can get them for you, yes; I can provide that to the committee.

The CHAIR — Fine, thanks.

Supt KEOGH — I would like to now address the issue of the 40 km/h zone and then speak collectively to the 40 km/h and 50 km/h speed zones from an enforcement perspective. I think the 40 km/h zone, particularly around schools, has been much more acceptable to the public, albeit that in some areas it is 40 km/h for 24 hours a day. I think some people struggle with that part of the legislation.

There is broad acceptance of the need to slow down around schools at school times for the safety of our children, and I think to that extent it is well accepted. However, there are some streets, and I mentioned it in my report, in 70 km/h zones where — they might have a three or four-lane carriageway — I hear in the media the traffic is still travelling above 60 kilometres an hour in some of those areas. I think people struggle to maintain compliance with the legislation because it

is a nice, wide street and there are no school children around — for different reasons — and they continue to exceed the speed limit.

Mr STONEY — Could I ask why those limits are on 24 hours a day in some others and in other areas they are on only at school times?

Supt KEOGH — I think it was a decision by the government to maintain that limit 24 hours a day.

Mr STONEY — In particular areas?

Supt KEOGH — Yes, areas which had a 50 km/h zone, for example, which normally had a 50 zone and which have a school there seem to have been maintained as a 40 km/h zone, 24 hours a day — unlike if it was in a 60 zone; during school times the speed limit is down to 40.

Mr STONEY — I was not aware of that. Would that cause confusion where motorists think, ‘Oh, this is a school zone, fine; I don’t mind doing 40 km/h. I know it is during school times and I know it is from 2. 30 until 4.00’, or whatever it is; and in other areas there are school zones and they have to slow down, so there is more for motorists to think about.

Supt KEOGH — To a point, but the time-based signs are clearly identified; beneath the 40 sign are the times, in comparison with where it is 40 km/h all the time, where there is nothing beneath the sign so it clearly stands out that it is a 40-km/h zone and it is not limited to times. But I think the community still struggles with understanding and complying with that part of the legislation.

Mr STONEY — That was my point. I think they are struggling to comprehend it because some are and some are not. That is really why I raised it.

Supt KEOGH — Yes, I think the difficulty is a driver thinking, ‘Why should it be 40 km/h? It is 8 o’clock at night and there is no-one around. Why does this need to be a 40 zone?’.

The police enforcement in 40 km/h and 50 km/h zones is undertaken by police presence, static and patrol, and there is also provision for camera enforcement with permission from the traffic inspector. Normally cameras do not operate in 40 km/h and 50 km/h zones, unless the local traffic inspector specifically authorises the use of that site.

The CHAIR — Why is that, Peter?

Supt KEOGH — Because normally the school zone is over a relatively short distance, and the policy generally states that we do not establish a site within a certain distance of a change in speed zone.

The document I have provided has camera office data on operations in different speed zones, just to give an indication of the number of operations in different speed zones. Unfortunately I did not get this material until late Friday night and I am not able to identify a percentage of vehicles offending, which is normally the case in this type of literature. But I am sure that you will find this information valuable.

The other thing I was going to mention is that the provision of this data does not include police issue notices, where police have intercepted and booked someone for travelling in these zones. I am at a loss at this stage to explain why I do not have that information. It was initially requested six weeks ago, but there have been some problems. I will offer to provide that data to the committee as soon as possible.

The CHAIR — That is fine. Thanks.

Supt KEOGH — In respect to recommendation 10 about the compulsory testing for the presence of alcohol and drugs by way of a blood sample when a pedestrian is presented to hospital, as I have explained, there is existing legislation that requires a person to enable a doctor or a nurse to take a blood sample from them when they are at a hospital as a result of a crash. In practice that does not always occur. What does happen in practice is that a medico asks the patient to undertake a preliminary breath test — they have devices at the hospitals.

Where the result of that test does not indicate a breach of the law, the medico will not take it any further. If the person is unable to undertake that test, the medico does not always obtain a blood sample for reasons best known to them. It may be a medical condition or for some other reason. I guess sometimes in practice we struggle and have lengthy discussions with medicos to make sure that we get samples. Often it is a bit of a contest.

Mr BISHOP — During earlier hearings it appeared to me that a lot of emphasis was put on by presenters in relation to drivers more than pedestrians — and I am talking about behaviour and enforcement. Do you believe it would be a good idea if in fact the early breath test indicated some concern that a blood test would be taken of a pedestrian brought to hospital as a matter of course?

Supt KEOGH — There are probably a couple of answers to that. First of all, a breath test will not identify any drug in the person's system, so it is not all inclusive; and, secondly, there is no specific offence about being an intoxicated pedestrian, as I allude to later on — so why are we doing it? It is good for research to support possible changes to the legislation, but otherwise it can be quite costly to analyse each and every blood sample, and if there is going to be no ultimate prosecution, what is the point of it?

Mr BISHOP — We have heard previous evidence that a third of pedestrians who are killed have been over .05. I assume those stats are correct. Given the other important issue of drugs that you brought forward today, where we have a bill passing through the two houses of Parliament to extend that testing capacity and including another drug as well, would it be your view that this committee could address that particular issue — both alcohol and drugs in pedestrians — in an effort to get some recognition of those particular risks to pedestrians?

Supt KEOGH — I am mindful of the important information coming out of the Victorian Institute of Forensic Medicine, where it analyses the contents of a deceased person's blood for alcohol and drugs. That is quite valuable data, particularly for consideration to change legislation. With the current drug legislation that is proceeding through the houses of Parliament, it specifically addresses drivers of vehicles. I do not think the community would accept a police officer requiring them to provide a saliva sample if they are merely a pedestrian, for the sake of being intoxicated by alcohol or drugs, if there is no specific legislation that they should be charged with. I do not think the community would accept it at this stage.

Mr STONEY — Can pedestrians be charged if they cause an accident? If you are walking down the middle of the road and the car swerves and hits another car or a tree or something — —

The CHAIR — Hits someone else.

Mr STONEY — Or does something. Are pedestrians charged if they actually cause the accident?

Supt KEOGH — In theory, yes; in practice, I do not think it would happen very often, particularly if the pedestrian is injured as a result of the crash. Often there are quite serious injuries. I think for a police officer to confront them either at the hospital or some time later and give them a penalty notice for disobeying a road rule, is not something that many police do at all.

Mr STONEY — But what is the difference between a driver being charged and a pedestrian being charged? Both might have been injured in the accident, and I am sure you would charge the driver. What I am getting at is that pedestrians obviously have to take a bit more responsibility, and perhaps we should be moving towards making them accountable legally for something they cause, as well as drivers.

Supt KEOGH — I accept those comments and understand the importance of a prosecution, that where someone has caused a crash they should be held accountable. I think if we head down that path there would be significant training required of police members to make sure that they undertake and progress the investigation to the point of prosecution. It could be done. As we have seen in the past — not only with pedestrians but with bike riders — if the pedestrian jaywalks across the road, unless there is a specific targeted operation, as does occur in the city, a lot of the times police will proceed past that incident without prosecution.

Mr STONEY — I suppose I am wondering whether that should change just to get people aware of their own responsibility, because some pedestrian behaviour is a nightmare for drivers.

Supt KEOGH — I think it is achievable. Initially it would require a great deal of communication and awareness to the community as well as to the police, and to require the police to take subsequent action after a period of education to the community.

Mr STONEY — Earlier Dr Ogden gave evidence along the lines that we have been concentrating on speed, but there are other things that can and should be done. I am just wondering whether this an extension of what his comments were earlier today.

Supt KEOGH — Yes, I agree, and particularly in areas where there is a high incidence of risk to the pedestrians, as is the case in the CBD.

Mr BISHOP — To follow that up, we have seen a lot of television advertisements by the Transport Accident Commission, which in fact are quite graphic. I can remember one not that long ago in relation to motorcycles, which I thought was excellent. Whether I have missed them or not, I have never noticed any in relation to pedestrian behaviour at all. Would it be a reasonable assumption that the Transport Accident Commission should do an awareness program for the safety of pedestrians?

Supt KEOGH — Yes, I believe it is possible. I think some of the ads that the TAC has done have involved pedestrians. The current one with Peter Bellion is a pedestrian one, and already that has seen some adverse comments from some people that the pedestrian should not have crossed the road where she did when she was hit by the car. In the past there have been some where a kid was chasing a ball onto a road. But I think there can be some proactive messages and commercials for pedestrians to highlight the dangers of crossing the road at inappropriate times and places.

Mr BISHOP — I have one concluding question. In relation to breath testing, as I understand it there are about 100 breath-testing machines scattered around. I think they are mainly in metropolitan Melbourne and some country areas well, which are just there for patrons use — —

The CHAIR — In hotels.

Mr BISHOP — In licensed premises. I understand that the Transport Accident Commission is joining forces with an organisation to further that pilot scheme, with another 75 machines being allocated. I think that is mainly in the metro area. I also understand that Victoria Police has had discussions along that line as well. Have you any view of the value of these breathalyser machines in licensed premises for both pedestrians and drivers?

Supt KEOGH — I can see some good things and some bad things. I think the good things can be identified where someone is getting close to the mark and they do not know whether

or not they are under the legal limit and whether they should or should not drive; they can test themselves to make sure that they are legal. However, for a period of time after that test the alcohol can still be rising in their system, so they might get half an hour down the road and be tested and be over the limit. It can give them a false sense of security. I believe the scheme is fundamentally good but it has some hiccups.

Most of the devices are limited so they do not read above .07 or something like that. In the past people have been bragging and trying to get to a higher limit than their mates, for example. Fundamentally it is a good scheme because at least it gives people an idea of what their alcohol limit is, albeit it can change from day to day depending on their system, what they have eaten, how they feel and all that sort of stuff.

I think we have spoken a little bit about a legal definition of intoxication. There are some difficulties with it. We currently have an offence of being drunk in a public place and if a pedestrian were at that state of sobriety, police for their own safety can arrest them and take them to a lockup or home or wherever to remove that risk. I do not know that a legal definition of intoxication would assist the legislators or enforcement — I am not sure where that was going.

Bullbars are an interesting topic. They look potentially very dangerous and quite cumbersome. Sometimes you wonder why such a large bullbar needs to be on a car. Whilst there are some relatively neat, small bullbars — I think they call them nudge bars — which would assist the safety features of the car and minimise damage, personally it is hard to imagine how some of those quite large bullbars really assist the vehicle owners and occupants. I reflect on a lot of pictures I see in the country in particular where there are quite large bullbars and in the areas where they live there is little wildlife that would create a danger or risk to the occupants of the vehicle.

As far as enforcement is concerned we operate under the legislation. A document from VicRoads has been provided to you which highlights the requirements for bullbars to be fitted to vehicles. It seems an easy document to understand but as far as enforcement practices are concerned, there is lots of flexibility in the document which would create some doubt in the mind of a police officer when he decides whether or not to issue a penalty notice for an offence. I have identified in the document a number of penalty notices that have been issued potentially for an offence of having a non-compliant vehicle which may include bullbars but in reality

I doubt whether many of those penalty notices would be limited to a faulty bullbar in practice. I have spoken to the officers at the vehicle safety testing school that trains the police to enforce the roadworthy provisions, and other police officers, and there are very few times when they write a ticket for an offence of that nature.

I have also provided the committee with a research document that was undertaken in December 2004. It relates to a period of crashes involving pedestrians from January 2002 to the end of 2003. In that time there were 99 pedestrian fatalities. Akin to what Mr Bishop said before, we found in this document around about 30 per cent of crashes involved pedestrians who had a blood alcohol concentration in excess of .05. That included a very few — I think there were two or three — who had a combination of drugs and alcohol, and a couple with just drugs alone.

The research looked at age groups, time of day, clothing worn by the pedestrians and the location of the fatality. However, I do not think it identified what speed zone they were in. Most of the crashes seem to have occurred where a pedestrian was crossing the road not at an intersection or pedestrian crossing. Some occurred where they were going to or getting out of a car; some occurred when they were getting off or going to a tram and lastly some around buses at schools. I think that again identifies the importance of slowing vehicles down around school zones.

Finally, in regard to different strategies that are undertaken by police, under a program that we identify as local priority policing a lot programs are undertaken locally so we do not hear about

them centrally other than what is announced in the media at times. My recollection of those programs is they clearly are in the central business district and around Stonnington where I guess over a period of years there has been fairly strong emphasis on pedestrian safety at those localities. We continue to work with Consumer Affairs Victoria and local government to really drive home the importance of the responsible serving of alcohol to try to minimise excessive consumption alcohol by hotel and club patrons who subsequently leave and may be killed in a crash close to the premises.

They are the only matters I wish to present to the committee today.

The CHAIR — Thanks. Are there further questions for Peter?

Mr EREN — From those statistics it appears that males are obviously at most risk?

Supt KEOGH — Yes.

Mr EREN — Clearly the majority of those people killed were male?

Supt KEOGH — Yes.

Mr EREN — And 41 per cent were under 40 years of age. Is it more specific than that?

Supt KEOGH — Yes, it is. It is broken down further in the document that the Chair has.

The CHAIR — Flicking through the document I noted that people run along the side of the road. I was always taught to run toward oncoming traffic.

Supt KEOGH — Yes.

The CHAIR — I note that is addressed. We do not have legislation to say that is what people should do. They are told to walk as far as they can to the left-hand side. You recommend that:

The above findings clearly provide evidence to support legislative amendment to require pedestrians who walk along roads to walk toward oncoming traffic.

Supt KEOGH — I scanned the document this morning when I was preparing this other document. That is a very good suggestion. A copy of that document went to VicRoads early in 2005.

The CHAIR — We will copy that to each of the members; I saw that as I was flicking through it.

Supt KEOGH — Is the committee also aware of an Austroads report titled ‘Preventing crashes involving intoxicated pedestrians’?

Ms JOHNSON — We are, thank you.

The CHAIR — Thank you very much, Peter. We will be providing a report to the Parliament probably in July or August, and we will provide a copy to you at that time. Thank you again for your input. We appreciate it.

Supt KEOGH — Thank you, Mr Trezise.

Committee adjourned.