ROAD SAFETY COMMITTEE

Inquiry into Country Road Toll

Inquiry into Crashes Involving Roadside Objects

Melbourne – 3 May 2004

Members

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Witnesses

Mr D. Anderson, chief executive;
Mr E. Howard, general manager, road safety; and
Mr G. Mavroyeni, manager, strategy and programs, VicRoads.

Necessary corrections to be notified to
executive officer of committee
The CHAIR — I welcome everybody to the hearing. As people are aware, this is an inquiry being conducted by the Victorian parliamentary Road Safety Committee. We are running two concurrent inquiries at the present time, the first being an inquiry into the Victorian country road toll, and the second an inquiry into crashes involving roadside objects. This morning we are meeting with VicRoads. I welcome David Anderson, the chief executive of VicRoads, Eric Howard, the general manager road safety, and George Mavroyeni, manager strategy and programs. We appreciate VicRoads’ time and input into our inquiry. We also appreciate your lengthy submissions, David, to both inquiries; they make very interesting reading, although I must admit I was battling away through the second one. We thank you for those written submissions. This committee hearing is subject to parliamentary privilege. What you say today cannot be held against you legally into the future. We are making a transcript, a copy of which will be provided to VicRoads in due course. Once again, David, we do appreciate your time, effort and input into our inquiry. To get the ball rolling I will hand over to you to present your submission.

Mr ANDERSON — Thank you, Chair and members of the committee, and thanks for your kind words. We see this as a very important part of the state’s road safety planning, and it has always been for many years, if we look back collectively over the history of what has been done in this state by parliaments and governments of all persuasions.

Overheads shown.

Mr ANDERSON — We have some overheads here. Hopefully everyone can see the screen, but certainly the detail is what is in the submission. We have taken the opportunity to update some of the information because obviously since the submission was made the world has travelled on a bit and there is some updating of information. Obviously the committee may wish to ask for more updates as time goes on; that would be normal practice.

I am going to try and give a brief introduction. I am going to ask Eric Howard, the general manager, road safety, to go through some of the detail. Again, it is by way of a summary of what is in here. I would like to turn to the recommendations in the submission at the end, and I would like perhaps to add one recommendation that is not in the printed submission at this stage. Very briefly, our presentation will cover these five aspects. In particular we need to address in section 3, the terms of reference of this inquiry to assist the committee to align the information we are presenting with those terms of reference.

I am sure you will have seen this graph many times in similar forms. This is the history I referred to when I started. Whilst we could add a whole lot of initiatives over the years, what I think it indicates is that Victoria has tended to apply a lot of initiatives at a particular time. This has tended to result in a reduction in the number of fatalities and injuries on Victorian roads. There tends to have been a holding of that lower plateau, if you like, and then more initiatives. This graph we see as a series of plateaus, with activity shifting us as a state down to the next level. We would like to think that the last couple of years of that graph indicate another shift to another level. We would probably say that from VicRoads’ point of view this whole thing is manageable, provided that we have adequate research; that we know what the causes and effects are; that the initiatives applied by agencies, governments and the community are in line with that information; and that we maintain the resources necessary to do it. One thing that always comes to our mind is that every year about 60 000 or 70 000 young people get their licences and join in this level of activity by becoming drivers. Therefore it may be that we will never get to the point where we can rest on our laurels. As new generations come forward, obviously they need to be brought up to date with best practice, and we need to go with the environment, if you like, as the future unfolds.

This is another graph plotting Victorian fatalities. All we have done is to take the number of fatalities for the previous 12 months and plot it against each month. This tends to smooth out the data and lets us see what is happening. The government launched a road safety strategy called Arrive Alive in late 2001 — about November, from memory — which set targets of a 20 per cent reduction in fatalities and a 20 per cent reduction in serious injuries; serious injuries being those requiring hospitalisation in line with the Victorian definition.

On this graph the horizontal blue line is the level at which we started this strategy; the dotted line is the 20 per cent target; and the red line represents the actual trends. One could say that in terms of fatalities the target is being achieved. Hopefully we will go below the target, and hopefully we will be able to maintain that level.

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This is a similar graph — at least in terms of what it is trying to say — but this applies to serious injuries, and you can see the difference. We have still got where we started, less than 6500 serious injuries per annum; the target of
less than 5500 serious injuries per annum; and the actual serious injury trend, which most statisticians would say is fairly flat. Maybe we could say that in the last couple of years there has been a slight trend downwards, but I guess we would like to conclude that there is still some way to go, no matter how you look at it.

Mr STONEY — David, just to clarify, could you define serious injury?

Mr ANDERSON — In Victoria a serious injury is based on a police report. It is defined as a person who is taken to hospital. I think I might have said previously that it was a person who was hospitalised, but not necessarily admitted to hospital. In other states there is a link between hospital records and the official statistics, so in some states it represents only people who are admitted. That is not the case in Victoria; rather, as soon as an ambulance takes someone to hospital then that person is classed as having a serious injury. This often means that Victorian statistics are difficult to compare with other states and that the actual number of serious injuries, by our definition, is higher than it would be if we used other states’ definitions. Nevertheless, these people are injured, and obviously seriously enough to be taken to hospital and treated or observed; so that is what we have done over the years.

Mr BISHOP — Can I ask a question there as well, David? Where does the chain of reporting from that process go? Does it go to councils as a matter of course, or do they have to apply for reports from that process?

Mr ANDERSON — The police reports initially come to VicRoads electronically, and they are added to — if you like — that state’s accident database. Other information concerning the location and road information is added by VicRoads, and subsequently other information is added and confirmed by the Transport Accident Commission. All of that information is then made available to everybody, especially councils, and we have produced products such as Crashstats, which is a CD-ROM that can be used on any computer to analyse all the data, and there is online access now to that information. It does not have quite as much detail, but certainly a lot of detail, sufficient for people to do their planning and to know what the trends are in their particular area.

Mr STONEY — Do you do that process just on VicRoads roads or on all roads Victoria?

Mr ANDERSON — All roads in Victoria.

Mr STONEY — So council roads and local roads, VicRoads?

Mr ANDERSON — Yes, any person injured, any accident report, regardless of where it is, is entered into that database.

Mr STONEY — And you said they assesses that information that goes into that data? Do they do that on council roads or do they leave that to councils?

Mr ANDERSON — We tend to leave that to councils, but sometimes we work with councils to examine particular problems they may have. We will often make an offer to assist a council if it asks for assistance, but we tend not to interfere otherwise with council business.

Mr STONEY — It is up to councils to look at the database and assess if there has been an accident on one of their roads?

Mr ANDERSON — We encourage councils to have an active road safety program, and this is the best data available for them to be able to get an idea of where the particular problems are and what the aspects of the crashes are that they may be able to deal with. Of course they can deal with it directly through their own budgets, through their own expertise, or they can deal with it in conjunction with others such as working with the police on enforcement of particular areas or working with us on joint programs.

Mr STONEY — Just to, firstly, identify that there has been an accident on one of the roads of a particular council, it is up to them to discover that. You do not automatically send the information through to them?

Mr ANDERSON — No. This might be the last slide I will do, and I will hand over to Eric because they get harder after this. This is a fairly familiar chart, I would have thought. The vertical access shows the number of fatalities and along the bottom we have the last three and a bit years beginning in January 2001. The upper green line shows the totals; the blue line represents those in the Melbourne statistical district, which is basically all of the
metropolitan council areas; and the red line is the number of fatalities in all of the other parts of Victoria. That includes the other cities such as Bendigo, Geelong, Shepparton et cetera as well as the open road.

What I would like to highlight here is that traditionally the metropolitan fatalities have been greater than the rural fatalities. Since 2002 there has been a lot of effort put into enforcing speed in the metropolitan area in particular. It is obviously a policy and practice that is controversial and one that I would say has resulted from very strong recommendations by the road safety agencies, ourselves the police and the TAC, advice that we thought was most appropriate given the general increases that were occurring prior to 2002 and the methods being used for enforcement of speed.

Other things happened of course, it is never one factor. There was also a large black spot program commenced in early 2002, and most of those 1116 projects are finished. I think a dozen or so are still to go and probably half of them have already had their effect, and it is very early days for the others. We just want to point out to the committee that we think there is a significant difference in the trends between the metropolitan area and the rest of Victoria, and therefore we are very hopeful that this inquiry will be able to unlock a few answers and address the other part of this chart. I will now hand over to Eric, and he can continue.

Mr Howard — Before I go on to serious injuries, if we go back to that graph, the red line we have used as the basis for the Arrive Alive 20 per cent calculations, a starting point the average figures for serious injuries and fatalities in the three years 1999, 2000 and 2001. The red line has just crossed that average — in other words, we have just started to move into the 20 per cent reduction territory. We have a long way to go. We have entered the starting gate and have just gone out of it, so it is quite a journey. We have a copy of that, which we will give to you.

On series injuries, as David indicated, the overall trend is slightly down but in Melbourne it is rising. Why is this? Why are fatalities falling and serious injuries rising? We do not know. There are some theories about whether we are winning gains and the severity of those injuries — in other words, are slightly more of them fairly serious, but in fact we do not know that. There is some concern. If we look at the country’s serious injuries there is a slightly better picture there. Again, this is perplexing because the serious injury patterns seem to be at odds with the fatality patterns so we do not understand why that is happening and are seeking a better understanding. But again, we are just getting to the point where we are starting our 20 per cent change.

On people killed in country crashes, there is often a lot of interest in this, and we have done some work recently. Essentially, and eventually, country people are being killed in country crashes. These are figures for 2003. That is an important piece of information in terms of where we focus our efforts.

This is a busy set of graphs, but there are some important understandings underlying it. We have mapped over the last four years the rolling 12-month fatalities by speed zone, by country and metropolitan. The red line is the 110 zones in country Victoria; one of the two blue lines is the 50 and 60 zones in Melbourne — the light blue one is the 70 and 80, which you can see has kicked up again recently, and the dark blue the Melbourne 100s; and the brown and gold are DOTS lower speed zones in country towns. You can see the three blue lines have reduced over the life of these graphs, but the two bottom graphs have basically not moved and the red graph has marginally improved; so we definitely have a difference in outcomes in country Victoria compared to Melbourne, and we need to find ways to deal with that. It is pleasing that the 100 and 110 is showing signs of coming down, but we have a long way to go.

We have set out data by road user. What have been the changes in the last two years? These figures are right across Victoria, and you can see that the driver fatalities are down from 207 to 163, passengers about the same, which is always difficult — that can vary. Pedestrians have been the major beneficiaries in the last two years. Their number of fatalities has halved. Motorcyclists are down 40 per cent — that is a small number. There is an overall reduction of 26 per cent in the last couple of years:

The Chair — Going back to that slide, to what would VicRoads attribute the reduction of nearly 50 per cent in pedestrian fatalities?

Mr Howard — We cannot say to you that we have a researched and evaluated an assessment of outcomes, but we believe very strongly it is related to lower speeds in the areas where pedestrians congregate; and that is at the heart of a lot of measures with the lower speeds limits in country towns — the strip shopping centre programs, the school speed zones.
Mr ANDERSON — And the general 50 km/h limit.

Mr HOWARD — And the general 50 km/h default limit across metropolitan areas. Pedestrians are very susceptible to a particular speed of impact. Forty kilometres an hour is the impact speed that determines whether they mostly survive or mostly do not, and we think that one of the outcomes of all of the speed limit initiatives and speed enforcement initiatives has been to lower that impact speed more often to below 40 km/h. It might be the difference between 45 km/h and 35 km/h and it has a very big impact on their survivability.

Mr STONEY — Have you given any consideration to the fact that there have been a few dry years? Obviously there is more chance of survival because when it is dry pedestrians are easier to see and things like that, and it takes longer to stop in the wet.

Mr HOWARD — There would be a whole lot of factors. You always have underlying increases in travel in good economic times, which we have been in for some period. You have the ageing of the population, which takes place slowly, thank heavens, but it is ongoing and will continue to give us some further challenge because of the fragility of older people. So there are a lot of factors. I think it is significant that prior to a lot of these countermeasures the graphs were going upwards. In the last couple of years, with the black spot programs and speed stuff and a whole lot of other measures — better cars, better investment in our roads and so on — we are seeing this benefit. The vulnerable road users — motorcyclists and pedestrians — have been big winners in the last couple of years. Why would that be the case with motorcyclists? Again we cannot be definitive, but a lot of motorcycle crashes are due to a driver turning right in front of a motorcyclist. Again intuitively — and we have no proof of this — you would think that there could be a benefit of slightly slower speeds, certainly lower impact speeds and better capacity to avoid the crash.

The CHAIR — Again with regard to motorcyclists and pillions, are the major reductions in metropolitan Melbourne?

Mr HOWARD — I have those figures here. The next slide shows what has happened in the country. As you correctly point out, most of the benefits have been in Melbourne. There have been driver reductions of 14 per cent in the last two years, which is pleasing. Passengers are up 50 per cent. That is concerning, but on the other hand it has been well above the longer-term — the five-year — average figure. So we are optimistic that if we can return to a more typical longer-term level there are some opportunities for real gains. Pedestrians are down only 13 per cent and motorcyclists and riders are down 16 per cent. There are essentially four more benefits. I think again it gets back to where the crashes are occurring in the country, with so many on the high-speed network where slight reductions in speeds do not have that beneficial impact for pedestrians and motorcyclists, and in fact that is not where the peds are.

Mr BISHOP — What is the definition of country, just for the record?

Mr HOWARD — Everything outside the Melbourne statistical division.

Mr BISHOP — So that includes Geelong, Ballarat, Bendigo, Wodonga — those big regional centres?

Mr HOWARD — Yes, all the regional centres, so it is a mix of those urban centres and country roads.

Mr ANDERSON — I should say this is a VicRoads definition of ‘country’, but it is not one we always use.

Mr HOWARD — If we could go through the terms of reference in sequence, Chair, and talk about issues arising in the submission?

The CHAIR — Yes.

Mr HOWARD — The first is what is the incidence and what are the causation roles of speed, drugs, alcohol and fatigue. We have set out on the following slides some of the factors involved. The first slide, on speed in country Victoria, shows that fatal crashes have fallen by 9 per cent, compared to 2002. That was an outcome last year and we are just below that five-year average. We are not suggesting that is due to speed reductions; that is an overall picture. Most of the fatal crashes are in the high-speed zones. That will be no surprise to anyone. It is pleasing that the fatal crash reductions were reflected in the high-speed zones last year, as they were overall.
It is difficult to enforce speeds over that vast network. It is significant that the research internationally and nationally predicts that for every 1-kilometre-an-hour reduction in average travel speed you get a 2 per cent to 5 per cent reduction in fatalities. That is an important finding that has been validated in many areas and we would say that it is consistent with our experience in metropolitan Melbourne travel speeds in the last couple of years. It applies equally — to a slightly lesser extent, closer to 2 per cent than 5 per cent — in the high-speed zones, but it is still a strong research prediction.

The next slide is a graph showing infringements and fatalities. We do not have mobile camera infringement data from police, splitting the country and metropolitan data. I apologise for the fact that this is aggregated. It is a busy slide. The purple line shows total fatalities, which you saw before, the blue is metropolitan and the red is country. The green line is the monthly traffic camera infringement volumes, which is the left-hand scale. At about the peak of the total fatalities you can see that the mobile camera infringements took off in about May 2002, which is when the tougher tolerance regime was introduced by Victoria Police. It skyrocketed to about 100 000 infringements a month, but has fallen away since that time with a couple of peaks, and the fatalities fell from that point. I think one of the important considerations in our view is that prior to that time of May 2002, the graph was relentlessly upwards and I think that was reflecting some of those conditions that were sitting there underpinning the road toll — the strong economic recovery, lots of extra travel and so on.

Mr ANDERSON — I might just add there, if I may, that Eric has mentioned that the tolerance was changed in about the middle of 2002. There was also an increase of 50 per cent in the number of camera hours being operated by the police, at the request of the road safety management group. There was some concern that that would cause a massive increase in administrative costs, but the intent was to increase the level of deterrence and ultimately reduce the numbers speeding. The percentage above the speed limit had crept up over the previous few years. I guess we were pleased that both the excess speeding and the number of fatalities responded to that increased effort. The number of camera hours has been held at that level. This graph does not show that, but it is not as if the effort has backed off. The effort is still the same, but the behaviour has certainly changed.

Mr BISHOP — Has there been any variance in the differential during that time?

Mr ANDERSON — Could I ask you just to explain that?

Mr BISHOP — You have said the camera hours were up by 50 per cent and that was maintained, but the infringements went down?

Mr ANDERSON — Yes.

Mr BISHOP — My question is: have there been any operational differences in the differentials of speed? In other words, if you are in a 50 km/h zone, is it 53, 54, 55 or 56 km/h — what is the figure? Has there been any change at all?

Mr ANDERSON — Yes, there has. If we go back to the left-hand side of this graph, it was typically about 1.8 per cent, or just less than 2 per cent, of drivers who exceeded the speed limit. That crept up to 4 per cent or 5 per cent — I am not sure if we have that in this submission — and it is now back at those lower levels. It is interesting that back at the left-hand side of this graph the tolerance was similar to what it is now, but it was increased in the interim period. So whilst the police have to enforce according to the law and therefore they can have a tolerance of one, operationally they have reduced the tolerance only back to where it was on the left-hand side of this graph. It is very difficult for them to make public statements about exactly what their operational tolerances are. In one speed zone they are still above what they were back in the late 1990s and early part of 2000 and 2001.

Mr HOWARD — If I could just add, Chair, there has been no change in the police approach that we are aware of, certainly, since it introduced this tougher tolerance in May 2002.

Mr BISHOP — Is VicRoads a supporter of speed checks in particular areas?

Mr ANDERSON — The electronic devices?

Mr BISHOP — Yes.
Mr ANDERSON — Yes and no. From a lot of the information we receive from drivers, they are a welcome facility, I suppose, for them to check what they are doing. There are a couple of things. Firstly, we have to make sure that they remain accurate. They are slightly different to the way that similar equipment is used by the police in that these devices are obviously overhead; the police generally operate at ground level. Secondly, there is a need for people to get a better understanding of how their vehicle speedos perform at different speeds. So most, if not all, of those devices are on 100 km/h or 110 km/h roads and because a speedo performs in a certain way at that speed does not mean that it will do the same at say 60 km/h or 70 km/h. So potentially I think they are a very good thing, and we know that a lot of councils are now using mobile ones, but we need to make sure that the education that comes with them is effective, otherwise people could draw the wrong conclusion.

Mr BISHOP — Just to comment on that, I thought that would have been one of the best education measures that could have been adopted. So we do an education process rather than the other.

Mr ANDERSON — I think that history has shown that we need to have a mix. Not everyone is the same, not everyone seems to respond to the same information or initiative, and therefore back in the 2000–01 period it seemed to us that it was getting a little out of balance. Now all sorts of people have different views; I am just simply saying that our collective view was that there needed to be a slight lifting in the enforcement efforts, but we do not deny that continuing education, and probably better education, of these sorts of things is warranted.

Mr STONEY — With some of the older cars, the thickness of the speedo and the fact that it wobbles a bit, especially with the finer tolerances, makes it very difficult for people to know their vehicle and to know what they are doing. Has there been any thought, perhaps even in a controlled situation or somewhere where there is not that much traffic — say an arterial road — to have several areas where people can check their speeds, even if they paid a fee, so they can get to know their car? I do not understand how in an urban environment people can ever know what their car is doing. I would have thought that would be a very welcome initiative and would also make people think about the issue a little more.

Mr ANDERSON — People can have their speedos checked by mechanics; there are ways of checking. Some vehicles in Victoria are old enough not to even require a speedo. It is relatively recent. I cannot remember the date, but it is probably only in the last 20 years that the Australian design rules have required a speedo to be fitted to a car. Certainly the standards that applied until about now were problematic for many people in that the design rule allowed a plus or minus 10 per cent error for the speedo to comply. The Victorian government initiated a change in the Australian design rule, which we think has just been finalised and is either going to a ministerial vote around the country or has just done so — and we apologise for having poor memories. It will change the Australian design rules so that a speedo can never be such that people can misinterpret it or be going faster than the speedo says, and the tolerance will be, I think, 3 km/h in the other direction. That is the European standard, and it will be introduced in Australia. But it will apply only to new vehicles, and we will encourage people to have their speedos checked because their particular vehicle can perform differently to others.

Mr HARKNESS — The RTA in New South Wales operates very overt speed enforcement with three warning signs before a fixed speed camera. Can you comment on the effectiveness of that compared with the covert infringement system we have in Victoria, and the merits of both?

Mr ANDERSON — Yes. This has been considered frequently by both the government and the agencies concerned. We probably rely on some United Kingdom experience that has shown an increase in crashes where that system applies. That is now more than anecdotal evidence — —

Mr HARKNESS — Because people will speed up after — —

Mr ANDERSON — Presumably because people will brake suddenly. I have not read the research, Eric may be able to comment on it.

Mr HOWARD — The Auditor-General in New Zealand did a recent study of overt versus covert operation, and there was a 17 per cent difference in reductions in casualty crashes where the covert camera operations were in place. Indeed in New South Wales they have not released their report, but they have done an exhaustive study. They have about 100 fixed speed cameras across the highway network and they are black spot treatments; they are not system-wide speed reduction treatments. They have found that in the areas where the cameras are they are getting good crash reductions but in the zones outside those areas they are getting increases in
crashes. So it really is the difference between treating a black spot location or trying to get a system-wide effect, which in Victoria we have fortunately been able to do in the last couple of years. So there is a big difference.

Mr HARKNESS — You could accommodate some of those black spot fixed cameras here in Victoria in addition to system-wide covert — —

The CHAIR — It must also be said that in New South Wales they do not simply rely on overt cameras either.

Mr HOWARD — That is right.

Mr ANDERSON — The majority of their cameras are fixed cameras. You will no doubt have noticed a change in the signing in the last 12 or 18 months as we grapple with the dilemma — and these are not my words — of being seen to be fair, which is one point of view, and being seen to have a system that says, ‘You can be checked anywhere at any time, so please do not ever speed’. You will recall the original signs — and there are still some about — that say, ‘Speed cameras operate in Victoria’ or words to that effect. More recently, the signs have said, ‘Speed cameras operate in this area’. That is possibly the classic compromise between the two arguments. I do not think the arguments are going to go away, so whether we see another compromise in the future remains to be seen. From our point of view we have to try to give advice based on the research; we certainly do not have a mandate to do anything other than that. I guess it is difficult for governments to try and adopt a balance, if they want to, between that and what the community is also saying. It is tricky stuff.

Mr BISHOP — One of the issues that drives those comments is the fact that as you go through a town you might have 10 changes of speed, which increases the difficulty of driving. You get drivers looking more at the signs than they are at the road, so that is one of the issues that has grown out of our inquiry. Many people have said that and then linked that up with the speed cameras, which makes it very confusing for people to know exactly where they are.

Mr ANDERSON — We recognise that and what we have already referred to in this hearing is that there have been a number of initiatives to deal with specific problems. There has been the general 50 km/h reduction in residential streets, but not in arterial-type roads. There has been the very recent, or current if you like, school speed zone program with 2500 speed zones, or more than that — 4000 if you count all the entrances to schools. There has been the strip shopping centre program. In our opinion these have all resulted from floods of letters about the needs of pedestrians and local people to be safer. Certainly the strip shopping centre program was highlighted in the very early days by the people in Charlton and Donald and places like that, and then all of a sudden lots of others.

So what we have ended up with is a whole lot of programs that have added to each other, and our advice to the government is that we would like to now go through and try and do a fair bit of smoothing out. I think if Mr Mulder were here, he would remind me that there are 9 or 12 or 15 through Colac, and I would put on the record again our intention to try and smooth those out. I think it can be improved, but it is not all that easy, because at the end of the day people have to see it as credible, and if you smooth it out by extending a 40 km/h zone into an area where people think that is too low, then there will be that problem. If you extend a 50 km/h back into a 40 km/h zone, the local pedestrians will say that is too fast. But we do not back away from it. We think there is probably good value to be obtained by doing some smoothing out, and once we have finished the school speed zones, I have indicated to the Minister for Transport that we intend to go through and just try and iron out some of the issues.

The CHAIR — There are a number of issues we need to follow through. I am mindful of the fact that we are only discussing the first one and we are moving into the second hour, so we had better move on.

Mr HOWARD — Very quickly, we were talking about speed crashes. This is an important piece of international research out of Sweden years ago, but the numbers I think give cause for real reflection. If you can get a 5 km/h speed decrease in a certain environment where you could have risks, they are the sorts of fatal crash reductions you can achieve, and they are very big numbers. It seems to be counterintuitive to many people. If we look at rural speeds — these are speeds on the highway network based on our telemetry sites right across the state — you can see that we have experienced some small reductions. These are 85th percentile speeds, so 85 per cent of the traffic is travelling at or below these speeds. On the 110 km/h freeway network you can see there has been some slight reduction of about perhaps 1 km/h, and on the 100 km/h network it is getting towards 2 km/h reduction. They seem small amounts, but you can multiply those by a factor of three or four in terms of fatality reduction impact.
As to heavy vehicles, we do not have the 2003 figures in this graph, but we can get those for you, Chair. You can see there that if you take the speed limit on the 100 km/h roads and add 5 km/h, we are showing here the percentage of vehicles that are really travelling above 105 km/h, and you can see that that grew pretty strongly in the late 1990s and has evened out, and I think my recollection of the current figures is that it has fallen slightly again, which is pleasing. David alluded earlier to speeds getting a little bit out of hand, and I think this is some evidence of that.

Mr STONEY — What is a cullway site?

Mr HOWARD — That is the weigh-in motion technology that sits over a little culvert and can measure the weight of a truck and its speed.

Mr STONEY — So it is in the road?

Mr HOWARD — Yes, and we have them all over the state. They are the fatalities involving heavy vehicles. I point out again it does not mean that the heavy vehicle was at fault, but you can see that again there were some unacceptable trends in the early parts of 1999 and 2001, but they are falling away and that is pleasing.

Mr BISHOP — I think a point in relation to that — and I suspect it is consistent whether it is heavy vehicles or not — is the capacity, for example, for assistance to arrive in reasonable time — in other words, the golden hour, or whatever term you want to put on it — so those graphs would be skewed, I would imagine, because of that?

Mr HOWARD — Certainly the health care people, the hospital people and the emergency services people are working to improve their responses all the time, and that is certainly helping us, but as you would know better than most, in a remote situation, it can be an enormous problem.

Mr BISHOP — That is not a criticism of mine in response times; it is just a practical assessment of how things happen.

Mr HOWARD — We have some figures there on heavy vehicle involvement, but we will move on. We have talked a lot about speed initiatives, and I do not think we need to spend more time on that.

The CHAIR — Just before you get off speed, given we have a default of essentially 100 km/h on open roads, in your recommendation 9 — and I think it is about the second or third dot point — you talked about identification in the use of appropriate speed limits, particularly on high crash-risk lengths of road. Would you like to expand further on that recommendation?

Mr HOWARD — Basically we will talk about the Safe System, as we have in the submission, a little later on. I think it is better seen in that context. It is a factor in a whole range of factors, and is the thing we think we have to give attention to when you cannot do other things to the infrastructure, but I will come back to that.

The CHAIR — That is fine.

Mr HOWARD — If we turn now to alcohol as a causative factor, the red is the rural fatalities to a different scale to the one you saw before, but over the last five years effectively, and the green is the driver and rider fatalities in country Victoria who are over 0.05, and you can see that correlation between that crowning of the road toll and the upsurge in drink-driving fatalities that occurred at that time. Why that occurred we do not know, but there is quite a marked deterioration. It went from about, as you can see, 20 fatalities a year up to 40 over that three or four years. Then there are some figures about the percentage of driver and rider fatalities with a BAC over 0.05. Could I make the point that of all the driver and rider fatalities in the 21 to 25-year-old age group in country Victoria — and I will refer to my notes to get this right — 27 per cent of all those fatalities, every driver and rider fatality, was 0.15 in the period from 1997 to 2003. That is 50 per cent higher than the rate for that age group in metropolitan Melbourne. It is 18 per cent in the metro area. It is 27 per cent in country Victoria. It is a fairly alarming statistic, I think, for that age group.

Mr ANDERSON — I would just add, we are trying again to present the facts, but one could not assume therefore that country people necessarily drink more. It may be that in the metropolitan area there are more alternative transport methods, such as taxis or public transport. So what it is really saying is that people are getting killed because they are drinking and driving, so I might just point out that there are other issues involved.
Mr HOWARD — Just a general comment that early Sunday and throughout the balance of Sundays is a
dangerous time for drink-driving fatalities, and, of course, early mornings, which would be no surprise.

The CHAIR — Just on alcohol — someone may comment on this — in your summary you talk about:

Indications are that the police are exceeding their targeted number of alcohol screening tests in country areas but not the planned
number for the high alcohol periods.

Mr HOWARD — Victoria Police can talk more about that, but essentially they have set themselves
targets in terms of the percentage of effort going into the high alcohol time, those hours, and they are doing their
best to get up to that target and working on that at the moment. As you would appreciate, drink-driving
enforcement in the country towns is much more complex than it is in the metropolitan area. Different tactics are
needed. You have to be very responsive to local conditions. You do not want to drive people onto back roads where
they are more likely to be at high risk because they are seeking to avoid high profile booze buses and so on. The
police can talk about this in greater detail than us, but country drink-driving enforcement is a very important issue.

As to drugs, we do not now have a split of the drugs incidence in the country versus the city, but the random roadside
saliva sampling will start later this year for methylamphetamine for the heavy truck drivers, in particular, and the
active component of cannabis, and the police will be targeting their efforts at the most likely, the high risk areas, of
course. I do not know if we can extract data for country crashes, but we will endeavour to do that and perhaps get
some material to you.

Mr STONEY — This committee did a thing on drugs a few years ago with which I was involved. I have
just forgotten whether with every road fatality there is a test for drugs?

Mr HOWARD — Yes, the Victorian Institute of Forensic Medicine at the morgue tests, and has, I think,
since 1992. It has tested every dead driver and rider for the presence of drugs in their blood. It has a very extensive
database going right back, probably the best in the world in terms of actual data. There is quite a lot of good
material there to understand what is happening.

With fatigue-related crashes there are the usual difficulties in trying to determine what was fatigue related and what
was not, but it is not surprising that the number of crashes in the country would be higher. It is an important issue.

Another term of reference was the role of the road and road sign environment. Run-off-road-and hit-fixed-object
crashes in country Victoria are 41 per cent of fatal crashes. This weekend we have seen a large number of fatal
crashes actually in the outer metropolitan Melbourne belt mostly, but mainly run off the road and fixed object.

The CHAIR — I wonder whether we should deal with this in more detail in the next submission.

Mr HOWARD — I will leave this material with you, Chair, but we did a quick look at the Hume
Highway, at what was the impact of all the upgrades from 1976 to 1996 in terms of crash rate, before the
duplication got under way to the current day. You can see the reductions in that right-hand box. There were three
fatal crashes per 100 million vehicle kilometres back then to 0.42 in 2003, so they are very big reductions — the
benefits of upgrading those routes.

The CHAIR — We have also seen that along the Geelong-Melbourne road as well. There have been a
couple of unfortunate incidents, but outside that I think you have seen that a lot with the Geelong road —

Mr HOWARD — Yes, and the Western Ring Road. Our accident black spot programs is another term of
reference which we have really struggled with to give you some definitive information. There is limited research
about the impacts of these new technologies — in-car navigation, impacts of cruise control on safety and so on. All
we can say today is we will continue to monitor what is happening here and as material comes to light we will
forward it to you.

The extent and effectiveness of enforcement activities: the Victoria Police will deal with this. I have mentioned the
drink-driving issue in country Victoria and speed; I think those matters are best left to them.

What could we do to make a difference? Certainly to keep going with the things that are in Arrive Alive, but we are
recommending a Safe System approach to road safety. Basically it is based on the Swedish approach to road safety.
It says the human body has a certain tolerance to physical force and if you are hit, as a pedestrian, at above 40 km/h
you will probably be killed; as a car occupant hit head-on at above 70 km/h you will probably lose your life; by a side impact in a car at over 50 km/h you will probably lose your life. You have to understand what is going on with your accidents. We are doing a lot of work across Victoria with local government and yourselves at the moment, and indeed an analysis of fatal crashes ourselves — quite a substantial increase in effort. We assume that the drivers and the riders — the cyclists and motorcyclists — abide by the road rules. If people are going to break the law when they are drunk, or full of drugs, or speeding, it is pretty hard to do a lot for them. But if people abide by the rules then the safety standards within vehicles, both crash avoidance and severity reduction, in combination with the standard of the road and the roadside protection in combination with a safe speed — which is not only a speed limit but drivers observing the conditions of traffic or of weather — and if those three things are properly in balance, no-one should lose their life on the road network if they are abiding by the road rules. That is what the Safe System is essentially saying. It is very powerful framework — clearly it is not something we can achieve in the next few years — for decision making and for considering the overall safety of yourself and your car on a section of the network.

The CHAIR — Are you therefore saying that with the Arrive Alive campaign, for example — that is through to 2007, so I would say it is probably a short to medium-term strategy — VicRoads is therefore advocating a longer-term vision or strategy for Victorian roads?

Mr HOWARD — We think this is entirely consistent with Arrive Alive, but this framework will have a life well beyond Arrive Alive. This is a way of looking at vehicular safety on the network long term.

Mr ANDERSON — Next year is obviously 2005, and it takes some time to develop strategies that are comprehensive and based on the best information you can get. So we would probably be advising that planning for extension of Arrive Alive!, or development of the next road safety strategy for Victoria should commence within the next 12 months.

Mr HOWARD — This system is simply saying licensing authorities such as ourselves have a major responsibility to get people on the road in a fit condition to drive safely. You have to provide education to motorists, cultural support in terms of what is acceptable and what is not, and if you do that you will get safe driving and a safe transport system. As I said, it is something we have borrowed from the Swedes and it has to be adapted to our requirements and our needs, but it is a very powerful system.

Mr BISHOP — Reading through the recommendations and having a look at that — and I accept that you could probably put a hundred things on there — I do not see anything there in relation to training, and it appears to me that VicRoads heads more at the effect than the cause. I cannot understand why you do not get at the front end of it and try and fix some of the problems rather than trying to do something about it when it has happened. In your documentation on page 45 there is half a page in relation to training and education, which in fact disappoints me substantially. We have heard a lot of evidence over the time this committee has been running. The evidence is a bit confused in relation to education and training. There are strong supporters of on-road training; there are just as strong supporters of pre-licence training and it would appear to me, as one, that a combination of those, when you can get children at a more amenable age in the school curriculum to give them a good basis would be an important part of the program you are putting out there, which I think is quite sensible. I am expressing a disappointment with VicRoads because I think you have been lax in relation to the education and training. Would you care to comment on that?

Mr ANDERSON — I take the point in terms of this submission not having much information in it about that aspect of road safety management. I think we would like the opportunity to provide the committee with additional information about what is happening in that regard and what VicRoads is involved with, not as a defence but to provide complete advice to the committee. Perhaps I will not go into it now, but there are a lot of very good initiatives happening jointly such as the Keys Please campaign which is aimed at 16-year-olds and involves local communities, schools and local government running seminars. This year 20 000 children will go through those seminars and there is a range of other things. Yes, there is the debate about off-road versus on-road training, and our position has been that whatever the research shows is what we will advise on, and we keep searching. We thought we had found a program in Finland which for the first time to our knowledge showed a positive correlation between off-road training — or off-road education more than training — and safety. Now the Swedes have come out and refuted that with other research so I guess I would accept that this submission has been very thin — and perhaps inadequate, if you are saying that — in terms of dealing with education. We would be very quickly able to provide further information to the committee.
Mr HOWARD — There are two boxes at the top of this overhead. The first one, ‘Admittance to the system’, is about adequate licensing preparation. The right one, ‘Support the driver’, is about education and training. Those issues are picked up in the model, but we need to come back to you with what we are doing.

Mr STONEY — To add to Mr Bishop’s comments, New South Wales appears to have a better, if you like, graduated licensing system. Just for the record, could you run through what Victorians are required to do to get their licences? There are really two sections to it — that is, young people getting their licences and perhaps mature people going for their licences in later years.

Mr HOWARD — Young people have got to have held a learners permit. They can get a learners permit at 16, and they must have held a learners permit for six months minimum before they can go and sit for their probationary licence. On receipt of the probationary licences — and I have a couple of slides later on that deal with this — in essence they have a three-year period where they have a zero BAC requirement. They cannot drive extremely high-powered vehicles. They also have a 5 demerit point limit on an annual basis in addition to the 12 in three years, and they must display their P-plates on their vehicle. They are essentially the constraints. If they are suspended and lose their licence, then that can delay their passage to a full licence at aged 21. That in essence is the situation for young people. Perhaps David can help me here with what the mature-age arrangements are. I cannot remember them off the top of my head.

Mr ANDERSON — There is really no differences based on age in admission to the licensing system in Victoria, but there has been obviously the recent outcome of your inquiry into elderly road users in terms of the frequency of renewal for people beyond a certain age. Perhaps the only difference is the facilities available for the impaired people who come to notice either through a police report or a family member’s report. I believe our submission to the elderly road user inquiry gave a great deal of detail on that. We are proposing to review the licensing arrangements in Victoria to determine whether there is an improved system that we could recommend to government. This work is relatively young, and we do not want Victoria to be either left behind or not adopting best practice.

Mr STONEY — At this stage for people going for a licence is there any requirement for experience or driving at night or driving in wet conditions or a minimum number of hours they can prove they have done behind the wheel?

Mr ANDERSON — There are no legal requirements and no administrative requirements, but there is a very strong promotion of 120 hours as being the point at which you have a very low probability or much lower probability of having a crash provided you have had a range of experience. The educational materials, the promotions and the seminars I have talked about are all now geared towards that, as is the TAC marketing side of that campaign.

Mr STONEY — Is there any anecdotal evidence of the actual hours the young drivers might have done? You promote 120, but have they in fact done 40? Do you have any idea?

Mr ANDERSON — We have assessed that through surveys.

Mr HOWARD — Eighty hours average is what is being achieved.

Mr ANDERSON — It has certainly increased in the last couple of years from around about 50.

Mr HOWARD — We have a couple of graphs later on that I will jump to now because they are quite relevant to young driver risk. This is in the rest of Victoria, as in country Victoria, and it is very similar in Melbourne. You can see the risk. It is no surprise to any of us I am sure, what appears as ‘Crash involvement by age’, so you can see how at risk they are.

This next graph is fairly instructive. You can see that the number of drivers involved in casualty crashes, again in country Victoria, is similar to Melbourne. See how quickly that graph falls in that first six months. In fact after about nine months the risk is halved. There is an issue there. We are assuming risk over the three years of the probationary licence is equivalent of the full three years, when in fact it varies enormously in that three-year period. That is one of the things we are turning our minds to.
Mr BISHOP — One more run on that issue. We heard evidence in the ACT; its program is called Road Ready and Road Ready Plus. Whilst they did not have enough numbers of people probably to generate absolutely deadset results, it seemed to me to be a very good program. Again I cannot understand why VicRoads keeps avoiding this process in relation to pre-licence training. It would seem to anyone who looks at it and thinks about it to be a combination of those issues. But given the graph that you have just displayed, it would be a huge advantage to us.

Mr HOWARD — As David said, we have done a lot of work on this over the last 12 to 18 months, and we are trying to put some ideas and options together at the moment.

Mr ANDERSON — I do not want to be confrontationist, but I would say — and I would like to put it on the record — that we are not avoiding the issue — far from it. What we have not done is recommend pre-licence formal training because, to date at least, there has not been evidence to support that as a mandatory requirement for the community in terms of licensing. We continue to maintain resources that are working internationally to see what is going on and to study any evaluation that is done. Should that show a benefit, then we would certainly consider it, and if it is a real benefit we would recommend it. But until then it is difficult to promote something that does not appear to be supported by any objective evidence.

Mr STONEY — Just on that, the P-plater one about the first six months being the most dangerous time, are there any requirements in Victoria for passengers with P-platers in the first year or whatever?

Mr HOWARD — Sorry, Chair, there has existed — and I think it still exists, because we have had some changes recently — some old provisions that required court appearance, which were very difficult for the police to utilise. If a young driver was suspended and lost their licence they had a passenger restriction. It was only for a short period of time. We have heard in other places many options for perhaps tackling this issue, and we are trying to work our way through those now.

Mr STONEY — Looking at that graph it appears that there is an option and a real opportunity in the first six months to a year of restricting —

Mr HOWARD — Yes, I agree.

Mr ANDREWS — Exactly.

Mr HOWARD — Absolutely. Moving on to measures about infrastructure, there is the upgrading of highways. We pointed out the Hume Freeway a bit earlier and how important that is. There is the risk-management infrastructure, and we will talk about this in the next inquiry discussion, except that the last two relate to intersections which are a major source of serious injury in Victoria — metropolitan intersections in particular I might say; not so much rural Victoria. Of course there was the former inquiry by this committee into rural road safety and infrastructure, and we are implementing the agreed government responses there. Many of the things we are doing with speed, black spots and non-operator crashes float out of that inquiry, and we will continue to do that.

There are some of the things that we are doing. The 50 km/h limit in town centres we have talked about. On reviewing speed limits on unsealed roads, the previous inquiry report to government said we should look at speed limits on roads of tortuous alignment and of poor surfaces. That is an ongoing issue, but there is a limit to how much can be done at any time in a community sense. Those things are sitting there, but we have a number of other measures running at the moment.

Heavy vehicle safety: police have now been equipped with speed limiter checking devices so they can actually have a look at the gear on the trucks and see what they have been doing over the last hour.

Seatbelt wearing is still a major challenge — 25 to 30 per cent of truck drivers do not wear seat belts and this does cause loss of life. Drug testing I have mentioned. With respect to owner onus for trailers, the heavy trailers on trucks, which did not exist previously, you recall that going through the Parliament late last year I think in the submission material.

With respect to drink-driving Victoria Police are looking at increasing the testings. How many times have we talked about that? In regard to extending the application of alcohol interlocks, I think there is some current legislation in the house at the moment which is about people who have committed a second offence prior to the
date of this coming into effect. They are going in front of magistrates and the magistrates are saying, ‘To let this person back on the road, they really ought to have an interlock. But I cannot, under this legislation, require them to have one, yet I do not want to let them back on the roads’. So that is sitting there for consideration by Parliament. It would be a good thing. I think the magistrates have been very positive in their application of this; you can see the benefits. There are about 200 interlocks out there in the community at the moment.

We have talked about this issue, and I have talked about young drivers. In regard to safer vehicles, VicRoads in particular, but also the TAC, are supporting this strongly and they are embarking on a much more market-driven vehicle safety strategy. Some tremendous opportunities with new technologies are soon to become available in motor cars. We want to see things like dynamic stability protection, curtain airbags, and seatbelt warning systems as standard in the range of vehicles here in this country. We are advised by international colleagues that we can get enormous lifts in road safety outcomes, particularly with respect to high-speed crashes, if we have these features. We are going to tackle this on two fronts: firstly, going out and working with consumers, and that includes government and private fleets, saying, ‘Demand these facilities’; and secondly, saying to vehicle makers, ‘We are going to help you to sell cars, but we want you to commit to putting these facilities as standard in your range; or if it is not standard, some of them are optional, but without having to buy the best stereo in the world, a package deal with it and so on’. A lot of energy is going into that task as we speak. And, of course, with respect to inappropriate vehicle advertising, we have been very much trying to bring that back to a much more sensible outcome.

There is a major program going on at the Austin Hospital on fatigue and sleep apnoea screening, involving WorkCover and the TAC and ourselves. It is screening commercial truck drivers to pick out their medical problems. We want to get a web-based sleep apnoea screening package so that anybody can go on the Web and assess what their risks are. We are about 18 months away from that. We will be rolling out fatigue signage on many of Victoria’s country highways in the next few months. There will be about six or eight different messages. There are a lot of opportunities for new technology that we are continuing to monitor, particularly in the heavy vehicle area.

Mr HARKNESS — Eric, just on fatigue — I have a couple of questions. Firstly, there are two different lots of advice about what a driver ought to do. One view is that every 2 hours you should stop, walk around the car and rest your muscles and whatnot; another is to have a small sleep. In your opinion what is the best strategy? Secondly, as we have travelled around the state we have observed that in many instances there is either a lack of rest stops, or they are of poor quality. I would like your views about what VicRoads can do about rest stop provision, and also the safety of rest stops.

Mr HOWARD — David will talk about the rest stops. There is a very good program there. The only thing that will address fatigue is sleep. So that is why the power nap message is run so strongly through TAC advertising and on signage. A short power nap is terrific, but the best measure is a proper night’s sleep, or a good length of sleep. So we have to be careful when pushing the power nap message that that is not seen as a total panacea. It will get you through for another hour or so, but it is no substitute for sleep. The only solution for fatigue is sleep.

Mr HARKNESS — One of the biggest problems in the vehicle is feeling sleepy, so is it not better — and I do not know what the evidence is — to exercise both the body and the mind rather than having 10 or 15 minutes of sleep and then getting back behind the wheel of the car?

Mr HOWARD — Research is showing that you are much better off having a snooze than doing anything else for the same time.

Mr ANDERSON — You can dread that we have gone to New South Wales, but in New South Wales, interestingly, they do not promote power naps.

Mr HOWARD — This is a very important issue. The New South Wales approach is about the danger of micro-sleeps. We think that is a very important message for Victorians. We have some differences within the agencies about it, but we think the two messages are entirely consistent. Micro-sleeps means teaching people to be aware of the fact that the lights are on but no-one is home. We have all experienced driving and suddenly thinking, ‘What happened in the last 200 metres’. That is an important understanding of the problem. Power naps are a very effective countermeasure in the short term. We hope through this signage, supplemented with TAC advertising on television — it is certainly very hard to show a micro-sleep visually on radio — that we will get across to the
Victorian community the dangers of micro-sleeps and what they are. We think New South Wales has done that very well, but we also want to push the power naps which are the countermeasures to deal with it.

Mr HARKNESS — This leads into my second question. If you are a young female on the open road, firstly, you have to find a rest stop and then you need to find one that is well-lit and secure. Can you comment on that?

Mr ANDERSON — Yes. We have recognised that there is a need for a major review, and probably overhaul, of rest stops in Victoria. We have done the first part of it and we have also consulted with both the trucking industry and the RACV about the sorts of facilities that ought to be promoted. We are proposing a program where every year we would work through the rest areas and make the improvements that are desirable. That will include better signage. It will need to include better lighting and security in certain but not all rest stops we think. It will include some extensions of the capacity, particularly for those used by trucks. It would ideally include a separation of those used by trucks and those used by others. We are proposing a funding program that will enable us to deal with that I think over about a three-year period.

The other thing we are mindful of is that as the connections, hopefully, to the metropolitan freeway network are made at Deer Park, and certainly Craigieburn is under way and Pakenham, and we should not forget the Geelong bypass, there is a need for specific rest areas on the fringe of those facilities. So we are already proposing a new one near Craigieburn because that will be the last opportunity for some people to use a rest stop before they enter the metropolitan traffic. Of course even though they will only be 10 or 11 kilometres from the city centre, it could be that they still have 40 kilometres to drive. The other things in that strategy would be that we would like to work with councils to promote facilities in country towns. They are already there; they do not really need to be duplicated. It is in everyone’s interest if they are promoted and used. We can provide more detail if you wish.

Mr HARKNESS — Some country towns will not allow, say, cattle trucks or other vehicles to stop, which makes it difficult.

Mr ANDERSON — That is right, and that would be where we would need to provide a separate facility if that cannot be overcome. But there are many country towns where they have terrific facilities, and we have probably been shy at promoting them.

The CHAIR — I am interested in your comments also with regard to fatigue. People in the tourism industry have raised the concern that Melbourne tourism promoters, or people in the industry, are promoting day tours to, say, the Twelve Apostles, when in fact, especially for international tourists, most people would tell you that a day tour to the Twelve Apostles is not only near impossible, but also dangerous.

Mr ANDERSON — As you are well aware, I think, there is a draft strategy out for comment on the Great Ocean Road region, not just the road itself — —

The CHAIR — That was just an example.

Mr ANDERSON — But as an example, our submission to that was that the Great Ocean Road should really be considered as three distinct areas — probably a surf area; a sort of rainforest area; and a maritime wrecks historical area. With signing, colour schemes and promotional material they should be promoted as one-day-each tours. If you are going to do more than one you would need more than one day. We aim to work with Tourism Victoria on that area. I think the same applies for several other areas: the Murray area; the wineries area, the Alpine Road area, and obviously the Grampians. Our view would be that there are tourism promotions that are a little confusing in that if you are in a bus you tend to try and do it all in a day. However, when you come back the second time and hire your own car it is a different ball game; and we are seeing the results of that in many fatalities and injuries in those tourist area.

Mr HARKNESS — On the other issue of fatigue, we have touched on heavy vehicles and country road usage, but there are also many young people, shiftworkers on rotating shifts and whatnot who suffer the effects of fatigue. We heard evidence that at the 18th hour or whatever it is you have the BAC of .05 or greater. What is being done to address this issue?

Mr HOWARD — We are working with the health sector and with the TWU in particular to target drivers; but we are going beyond the transport industry, and the health industry with lots of shiftworkers is an example.
Basically we are trying to run seminars to educate people and to explain to them what the risks are. It is a matter of getting that information up to the front of their minds, and we still have a long way to go, but we have made a good start. For example, we hope to have temporary signage along the major highways as well, as New South Wales has done, running the message for that campaign period, supported by television advertising, so we are planning to become much more proactive in the messages we give the community.

You are all aware of what is happening with advertising. Research and analysis is very important. We are doing a lot of work here on the crash factors project, not just with VicRoads but with other agencies and local government, because that is the way to understand the factors that are causing this. We are doing a lot of work with local government with safer roads, which you would be aware of.

On the need for change in statutory requirements, I can mention some of the things in train. David will perhaps speak to the Road Management Bill which is in the upper house at the moment, finally; drug testing is in place; point-to-point legislation went through the Parliament in spring, and there might be a need for legislation on vehicle advertising if a voluntary system cannot be made to work.

In conclusion, the fatality level requires correction. Speed, alcohol and fatigue are our major factors. Run-off road crashes are the predominant type — more of those later. Arrive Alive we believe is working, and there are substantial gains if we can get safer roads and safer vehicles. We will talk about the roads in the next inquiry.

Mr ANDERSON — I was going to go through each recommendation, but it is clear that we have had several questions on specific ones so in the interests of time it is probably best to leave those as stated. I might have said in the introduction that there was one additional recommendation that I would like to add when we discuss the next inquiry. We do have additional data here that is an update and there are copies available which we will leave with Alex for the committee later on.

Mr STONEY — I would like to paint a little scenario in relation to this session rather than the next one, and I would like to get your opinion on it. It is just an example that is in my electorate, but it might bring up a big question. The Yea to Whittlesea road is quite a busy road, it is very narrow and there are perhaps 40 or 50 kilometres between the two centres. Between Flowerdale and Whittlesea there is only one place to pass, and now that area has been designated an 80 km/h zone for about 4 or 5 kilometres. The effect of that, which I have noticed already, is that traffic builds up for up to 30 kilometres, which causes a great deal of frustration on that road, so the side effect of decreasing the speed limits — which I agree with because there are a lot of houses along there — has another effect which will cause frustration because people cannot pass and there is a lot of slow traffic. When speed limits are put on, is that kick-on effect taken into account or will that in turn cause an upgrade of the road or a passing lane in due course? How will that work, and how do you overcome that sort of situation?

Mr ANDERSON — In setting speed limits we tend to take a shorter-term view than we would like to in the future. I think that is a very good example of how a more systematic approach involves this balance between speed limits, the vehicle — which in that example does not play a huge role, and the road infrastructure. If we can get a road safety system adopted and understood better then from our point of view, from the point of view of councils and I would hope from all governments we can understand the relationship.

It is usual for a reduction in speed to have a positive effect on road safety but a negative effect on the overall economic use of roads. Often we have done analyses that show they are often in balance, but at the end of the day I suppose as a community we would like to see the economy improve, so in that particular case we need to look at that road and decide whether there are facilities that should be put in there to deal with the overtaking problem. I was there the weekend before last, so I know it.

Mr STONEY — You would probably rely on press statistics to gain an upgrade of the road as well, and perhaps the police reports may not reflect the real reason for the crash — people got frustrated, they pass cars — so it would be classed as a head-on or skidding out of control or something and not because they were frustrated with the road and the long line of traffic.

Mr HOWARD — If there is a head-on overtaking, that would be an indicator of that sort of thing, and we do try to get a better understanding of that. Successful countermeasures depend on us really understanding what is causing the crashes, and I think that is the point you are making. We understand that.

Witnesses withdrew.
ROAD SAFETY COMMITTEE

Inquiry into crashes involving roadside objects

Melbourne – 3 May 2004

Members

Mr B. W. Bishop  Mr T. W. Mulder
Mr J. H. Eren  Mr E. G. Stoney
Mr A. R. Harkness  Mr I. D. Trezise
Mr C. A. C. Langdon

Chair: Mr I. D. Trezise
Deputy Chair: Mr E. G. Stoney

Staff

Executive Officer: Ms A. Douglas
Research Officer: Mr G. Both

Witnesses

Mr D. Anderson, chief executive;
Mr E. Howard, general manager, road safety; and
Mr G. Mavroyeni, manager, strategy and programs, VicRoads.

Necessary corrections to be notified to executive officer of committee
The CHAIR — We will cross to you again, David, for the inquiry into crashes involving roadside objects.

Mr ANDERSON — Thank you, Chair. Whilst we have mentioned a few aspects of this earlier, we have held back on a fair bit of detail. Again, thank you for the opportunity to make a submission. We would like to update it with more recent information and statistics. We have another package of information which we will pass on to the committee. We will use the same method: I might just raise a few issues and then Eric can take us through the detail, and we will be mindful of time.

Overheads shown.

Mr ANDERSON — The first slide shows the scope of this presentation. How big is the problem? I mentioned the updated data, and Eric will mention some of it as we go through. We will address the terms of reference and there are conclusions and recommendations and an additional one that I would like to add, as I have said a couple of times already.

This is a very big problem. This is one of the areas that it is very timely to have a specific look at. It is an area where we think there are some at least part solutions, but some of those solutions are resource intensive, perhaps, and that may well be an issue for the community. However, we will press on. The slide shows that that 34 per cent of all fatalities and a quarter of all serious injuries involve roadside accidents and roadside objects.

The next slide has a brief summary of the figures for country Victoria and outer metropolitan Melbourne, which is the second area of particular concern. I guess it is highlighted by the fact that there are higher speeds generally and the infrastructure is straining due to the growth of those areas. The data and information we present will probably focus more on those areas than others.

Mr LANGDON — What do you define as outer metropolitan Melbourne?

Mr ANDERSON — Essentially there is no strict definition but we are saying that there are about 11 municipalities where the majority of growth is occurring, including the Mornington Peninsula Shire, Cardinia, Yarra Ranges, Nillumbik, Whittlesea, Hume, Wyndham and Melton.

Mr LANGDON — They also have a rural flavour as well?

Mr ANDERSON — They have a bit of each, and I think that is part of the problem. We think one-third of all the road toll in Victoria occurs in those 11 areas. The growth of Melbourne predicted in the blueprint Melbourne 2030 indicates that a vast majority will occur in six of those municipalities, and therefore they are worthy of very careful scrutiny. There is also evidence that there is a very high cost of crashes in those areas, simply because they are severe crashes and there are a lot of young families and therefore the human cost and the monetary cost are pretty significant.

Mr EREN — Do you have a breakdown of what the objects are?

Mr ANDERSON — Yes. We will pick those up as we go through.

Mr HOWARD — I will just say, Chair, that there were four fatalities over the weekend that involved run-off-the-road and hit-fixed-objects incidents: three crashes into trees and one into a pole. They were all out in the outer metropolitan area, in Cardinia and Casey, that sort of area. It is a very real problem.

Just quickly again, the next slide reinforces the high proportion of run-off-road crashes where vehicles end up hitting a fixed object, which you would expect. If there is nothing there to hit, you should walk away from the crash in most cases.

The next slide shows the extent of injuries and fatalities. You can see the scale of the problem in both Melbourne and country Victoria. If we look at the incidence and causes of those crashes, there was an average of 3000 crashes each year in that five-year period shown on the slide. You can see the two graphs. One shows no hazards struck, so you have a number of crashes where there was minor injury, with the serious injury being the purple and the blue being fatal. Then on the right-hand side you can see the column for a hazard struck. On the next graph, if we look at the number of casualty crashes, you can see that the trend is not good. In the year 2003 it was down a little but it is still higher than it was in 1999.
On the question you asked earlier, the next slide has figures by the hazard struck. This bar graph is busy in that it tries to show whether there was other injury — which is minor — whether there was serious injury and whether there were fatalities. You can see that trees and poles are the two prime suspects and that trees in particular are two and a half times the problem compared with poles.

Mr ANDERSON — There is a copy of that graph on page 4 of the submission. It is figure 2.3, if people want to refer to that later.

Mr LANGDON — On the issue of embankment, we have had that raised before. There are two forms of embankment on the roads: there is the bottom section and the top section. Does that cover those?

Mr HOWARD — I think embankment would generally mean hitting the top one, not going over the edge — usually a rollover crash, or whatever. If there was a tree on the lower side embankment and it hit a tree, that would show up. The really serious crash type here, the one that is most dangerous, is that side impact. At 50 kilometres an hour impact a pole will penetrate more than halfway into the vehicle. That is the real risk. A rollover crash is dangerous as well, but not as dangerous as a side impact with a pole or a tree because it really penetrates the cabin. There is some very good video available to show that sort of thing.

The next slide shows the roadside hazard casualty crashes by time of day. It is no surprise that there are quite a few early in the morning, of course, but also 4 to 6 in the afternoon. It is interesting that so many of them are on Saturday and Sunday — related to recreational activity, we assume.

The next slide has the figures by speed zone. Again, there are no major surprises here, because the 60-kilometres-an-hour zone is where there is a lot of traffic. The 100-kilometres-an-hour zone is also where there is a lot of traffic and there are a lot of high-speed crashes. Of course, the fatalities outcomes are different. If you look at the fatal crashes, you can see that the higher speed of travel means that the severity of the crash is much greater in the 100-kilometres-an-hour zones — again, as you would expect.

What are the causes? The next slide has them categorised under three headings. The first is driver behaviour and impairment related: speed, alcohol, fatigue and drugs; also, the environment, of course: the close proximity of roadside objects, tight curves, not good line marking, guideposts, unsealed shoulders — which are a risk — and slippery surfaces. We will talk some more about that. We have some maps showing the locations on the network in country Victoria and metropolitan Melbourne where the crash rates for run off road are highest. They are reasonably concentrated. You would naturally expect them to be where there are trees, but it is quite concentrated.

Mr ANDERSON — Chair, would you like us to pass those copies out now? It may be helpful.

The CHAIR — Yes, if you would. That would be good.

Mr HOWARD — That, of course, is a very good guide to zones of interest, in doing something about it. The last of the three headings is the vehicle, not only the roadworthiness condition but also the safety features in the vehicle to help you better avoid crashes and above all to survive a collision.

How do we address these crashes? We have talked previously about the safe system. There are three categories we would like to talk to you about today in relation to this approach. The first is the road infrastructure. The first in that is removing objects out of the clear zone. I would make the observation that a side impact with one of the trees shown in the photograph on the slide at above 50 kilometres an hour would have a fairly disastrous outcome. In terms of risk we have probably not appreciated the risk that that scenario involves. We have grown up with it — it is part of the Victorian and Australian landscape. The risk would be equivalent to dropping off a sheer drop of quite some metres and yet we have not traditionally seen that as equivalent. So there are some things that we need to do. Removing objects is not an easy thing to do, in terms of environmental issues.

The CHAIR — In referring to that, in recent months we have met with more than 60 regional councils and other authorities throughout country Victoria. The vast majority have raised the issue of having trees removed and the bureaucratic process involved through the Department of Sustainability and Environment in having those removed. What is VicRoads experience with regard to having trees removed from roads?
Mr ANDERSON — Clearly there has to be consideration of the environment. Roadsides in Victoria, if you look at the treed areas, are very significant as a resource. Our experience has been that we have to do pretty careful planning to get permits in time.

As probably occurs in VicRoads there are slightly different approaches depending on who you are dealing with. I do not think there is a well-understood balance between environmental issues and safety issues and it was going to be our recommendation, in addition to the ones that are in our submission, that there be some consideration of the various legislative processes or perhaps a review, and I am talking loosely here about permits as well as formal legislation, to see if we cannot identify how to get that balance. I do not want it to be seen that VicRoads is anti-environment. I think we do as much as anyone, and we certainly value the roadside environments. I could use one example on the South Gippsland Highway where the project that we were asked to do as part of a black spot program was simply to seal some shoulders — there were no trees or barriers involved — but we had to get a permit to seal the shoulders in case there might be an endangered plant species seeded in the gravel. I do not want to say that that was ridiculous, but I think — —

Mr STONEY — But it was!

Mr ANDERSON — It is up to the committee to draw conclusions; I am just providing evidence. I think we have that out of balance a little bit. I am not saying that we should destroy the sorts of roadsides depicted here, but we certainly need to be mindful of how we get that balance. I suppose we often have disagreements — particularly on the approaches to country towns — with those who understandably would like to see a pleasant entrance to the town, and understandably think an avenue of trees is a very good way to go, but perhaps do not think too far ahead in terms of what those little trees will grow into. I really think that could be a very important issue for the committee to try and deal with.

Mr STONEY — David, you said that the issue is not understood. Who does not understand it?

Mr ANDERSON — I think there is a general lack of understanding — and I have to be careful here — —

Mr STONEY — No, please — —

Mr ANDERSON — Certainly there are individuals who say, ‘Our role is to protect the environment’, and that is fine, but perhaps they do not understand the consequences. In VicRoads there has been the opposite to some extent. I remember a proposal we had to seal shoulders and do clearing on Phillip Island near the koala sanctuary. Our initial proposal was to wipe out 120 trees; I am not sure how the little koalas were going to survive after that because we took their food. Eventually we learnt how to deal with that and I think four trees were affected in the finish. So there is a general need to understand the two aspects of this. VicRoads will try to continue to develop itself in that regard; local government and those responsible for environmental management need to do that as well.

Mr STONEY — Has it been your experience that VicRoads might be even more successful in removing difficult trees than perhaps local councils that may not have the resources or the clout to put up a good case to their local office of the Department of Sustainability and Environment?

Mr ANDERSON — No, I could not conclude that one way or the other and I am not sure that we have any real clout, nor perhaps should we except that we have got to get better about bringing others along and saying, ‘We have a problem in terms of safe conditions for our customers and we understand that the same customers also value the environment. There has got to be some shared understanding’. But I do not think we are any better or worse than local government generally and I would think there are some councils that are well versed in this sort of thing and there are others that perhaps have not faced it too much.

Mr STONEY — So given that slide, what is your answer to people who say, ‘Just put up some Armco guard railing right along and leave it the way it is’.

Mr HOWARD — Those two situations exist within 30 kilometres. It is a question of resource. You just cannot do that in every situation; it cannot be afforded in all cases and it cannot be done tomorrow; it is going to take many, many years to do it. A key starting point is to develop a much greater understanding of the risks in the community; in my view there is no appreciation by the community. As David suggested, we have worked with the Department of Sustainability and Environment and others on isolated projects to come up with some very sensible
removals of smaller vegetation, improving the overall situation, but there needs to be a much better top-down understanding of that issue and a means of dealing with it that is acceptable to the community.

Mr STONEY — So it is a bit of a catch-22 with that slide, which is a wire barrier along the strip. Possibly a motorcyclist would rather not have the wire barrier and have a bit of sliding room to avoid the tree, whereas the wire barrier would present an immediate problem for them.

Mr HOWARD — This is a major issue and has been for some time. In these circumstance where you have a proven risk of run-off-road crashes and fatalities, the dilemma is whether you avoid a potential increase in risk to one group of road users in the interests of getting a much greater overall benefit in terms of reduction, and that is a tough one — we accept that. We would suggest that in many cases with the presence of any form of barrier, an unprotected road user striking that barrier would not automatically have survived if the barrier was not there. The barrier is there to protect people from hitting something behind it, that would often lead to a fatal outcome as well for that group. So it is complex; it is not simple, but you have to look at the benefit in terms of the overall community.

The CHAIR — Eric, how many motorcyclists have been killed hitting the wire rope barriers?

Mr HOWARD — It has been argued that there have been one or two in Victoria. I think there is a suggestion that one might have been on the peninsula and one near the Dandenongs, but I have not seen findings that would attribute that cause to the barrier itself; there have been suggestions of one or two.

Mr ANDERSON — Eric was in the United Kingdom last year promoting additional research in that area. One cannot assume that this form of barrier, or the more common — until recently — steel beam on post barrier performs any differently. Obviously because they have been around longer we have certainly had more fatalities associated with the steel beam barrier than these, but that does not mean that it is better or worse; it simply means that there has been more experience. Every barrier is an obstacle in itself and all this is a trade-off between trees in this picture and a barrier which will be safer to hit than a tree. In other countries — and again we often cite Sweden — if you saw photographs of a typical rural road in that country you would see a much wider grassy verge, but in Victoria because of the way we have tended to develop the State and clear it, the remnant vegetation on roads is often the only vegetation for hundreds of metres. It is a unique problem in this country, and it may require special solutions because of that.

Mr HOWARD — Just to add to that, we are working with the manufacturers of these products to come up with special treatments on higher risk locations on high volume motorcycle routes. So if there is a motorcycle route and for some reason we need to protect road users from trees — for example, on a curve we are looking at special treatments to reduce the risk to motorcyclists in those particular locations.

Mr LANGDON — Where you put up the wire barriers, no doubt there have been statistics indicating there was a safety problem?

Mr HOWARD — Yes.

Mr LANGDON — The statistics before and after, what have they shown — a dramatic drop?

Mr HOWARD — We are getting a 90 per cent reduction in injuries.

Mr LANGDON — That includes cyclists as well?

Mr ANDERSON — Everyone — a 90 per cent reduction.

Mr BISHOP — We are delighted to hear that there may be more understanding between the organisations — those with safety and those who are charged with the environmental status in this state. Can you give us some idea of whether that understanding may well be hastened by the new arrangements we may have in place in this state in the road management process where if those in charge of the environment would not allow a tree to be removed, and that tree was the incident of an accident, who would be responsible?

Mr ANDERSON — We think the new legislation will focus the mind and, as you are well aware, it has a number of provisions relating to roadside obstacles. It includes the provision for a road manager to be able to have a hazardous pole or tree relocated, under certain circumstances at the cost of others, and in other circumstances at
Mr STONEY — In the future do you see VicRoads identifying a length of trees or a particular tree and putting in writing that it wants to shift this tree, and that was denied; do you think perhaps DSE would be liable in the future for — —

Mr ANDERSON — I think that will be a matter for the courts to determine ultimately, but we would certainly say that there is going to be a greater likelihood of liability than there is at the moment. I would not want VicRoads to use this legislation to be adversarial, but I would like it to use it to say to others with slightly different responsibilities that, ‘Okay, if we cannot sort this out together, then the community at the end of the day is going to pay one way or the other’, because if DSE gets sued or VicRoads gets sued or a council gets sued, the same people that are paying my salary are paying those costs.

Mr STONEY — Looking at the process, if there was an accident and this tree that had been spoken about between you and DSE was the subject of it and VicRoads was sued by the person who had the accident, would you in turn bring in DSE? How would the process work? If it was not your fault, what would you do?

Mr ANDERSON — We do that now. We tend to join others sharing responsibility. But the act on the one hand will provide us with an added accountability — that if there is something that is clearly of high risk, then we can, we could and perhaps we should remove it and perhaps face the consequences, but I think unless the overall legislation is compatible it could be out of the frying pan and into the fire. In fact in the Road Management Bill we have been at pains to incorporate, at the request of government, recognition of the environmental legislation which was not in the very first draft, nor the first discussion paper. On the one hand we have to adhere to environmental legislation, which is about permits and not doing things, and on the other hand we will have a duty of care to reduce safety hazards. I think that is probably the best that could be done at this stage, but I would like to think we could perhaps marry the two together a little bit better in the future.

Mr HOWARD — One of the countermeasures is shoulder sealing. There has been about a 30 per cent reduction where this is put in place. Frangible roadside furniture — —

Mr BISHOP — Can you go back to the one prior to that? That has the audio tactile strips on it?

Mr HOWARD — Yes, it does. There is about 15 per cent reduction in crashes with that in place, but it does rely on having that sealed piece of shoulder beyond it for recovery.

Mr ANDERSON — There have been thousands of kilometres of this put in place over the last decade. The system is to have the audio tactile edge line — the thing with the bumps in it that creates noise if you run over it — on an area of stable shoulder, than a sealed area beyond that, so that if someone is nodding off or inadvertently goes over the line they will, firstly, be alerted, and secondly, have some chance to recover unless they are really going astray. Beyond that we then need a barrier that is not going to kill them or a roadside that is not going to kill them. It will be a matter of balance. We would say that always there should be the edge line and the sealed shoulder as the minimum treatment, and then beyond that we have the dilemma we have been debating.

The CHAIR — Is there any thought to providing audio tactile lines down the centre of the road?

Mr ANDERSON — We have a research trial that we are going to undertake for that purpose. What we are trying to do is pick an area where there is a relatively high percentage of head-on crashes, and the Western Highway is the choice.

Mr STONEY — I know on the Pacific Highway they are doing trials with wire rope barriers in the middle. Do you have any plans in that area?
Mr Howard — We are aware of the Swedish experience where they put a wire rope barrier down and a wired two-lane, two-way road, but when you look at their experience they had a particular problem with head-on crashes because the roads were very wide and they were using them to overtake concurrently in different directions, so they were getting lots of head-on crashes. Their head-on crash problem is much greater than their run-off-road problem because, as David said, they have generally very good clear zones. Our problem is different. Our major problem is the stuff on the side of the road. While the head-ons are still a concern, I think they are only a little over 50 per cent of the problem of the run off road and hit fixed objects, so we are not ruling that out, but we feel we have enormous things we have to do to deal with these run-off-road crashes set out in the documents there, and it would be a follow-up stage when we are better placed in relation to this.

Could I just add on shoulder sealing, in the submission, as appendix 5, there is a map of the M and A roads, as we call them, the best category roads in Victoria, showing which ones now have sealed shoulders, and there are not too many gaps in that network. There is a bit out to the east and the far west and a little bit on the South Gippsland Highway which is being upgraded. That is this one. If you compare that map at your leisure with the crash locations in country Victoria, you will find that a lot of crash locations on the A roads are now covered, but there are some B roads, some other roads on that map, that do not have sealed shoulders, and they are candidates for consideration and treatment. You will be familiar with the frangible poles. That is a standard approach whenever they are within that clear zone on our network, and this is the tactile edge lining we talked about. Also poles, as we know, particularly in urban areas, are extremely high risk because of their penetration of the cabin in a side impact. Wherever possible we try to encourage people to use poles for multiple purposes so you do not get this forest of poles and the risk occurring.

Mr Stoney — Just on poles, Eric, and I know we are running out of time, when the phone or electricity company wants to replace a pole — I am thinking more of rural areas now — do they have to actually speak to the road authority or the shire before they do so, because there might be an opportunity when they are replacing the pole to move it further back.

Mr Anderson — There is no specific requirement at the moment. The Road Management Bill does include requirements for notice of works to be given, and it was one of the areas that we were pleased to see could be addressed in that legislation because at this stage there are virtually no requirements. That is not to say that there is not good practice in some areas, but it is very inconsistent.

The Chair — Where the poles are replaced is it possible to have that pole frangible?

Mr Anderson — Some of them can be frangible. The one in this photograph could not be because it is carrying live electricity, but certainly ones with just street lights can be — —

The Chair — There is no requirement, though?

Mr Anderson — No; our standards on the higher-speed roads would require them to be or to be moved beyond the 9-metre clear zone.

Mr Stoney — Under the new bill, if the power company gives notice of works and the road authority says it would like the pole moved back a couple of metres, the power company might say, ‘You pay for it; we want it where it was before’. What happens then?

Mr Anderson — That could be the case. At this stage there is a proposal that a group of utility and road authority representatives get together to develop a set of regulations and codes under the legislation, covering the details of that and how that can be done. The bill, if it is passed, will enable a lot of that to be done but the actual circumstances under which various entities will pay for what will be sorted out in those codes and regulations. It is intended that the regulation be prepared to come into effect at the end of this year.

Mr Howard — New roads: this is a document we have just produced in conjunction with local government and the Safer Roads partners about safety and land use planning. Very quickly, it covers things like wide central medians or safety barriers on major roads; good clear zones; planning for roadside service to minimise the number of objects; barriers around hazards; and landscapes that vehicles can crash into without injury to occupants. That is about to be published. The liability and accountability issues relating to road safety, utility poles and other fixed objects — we have probably covered a lot of that in terms of the Road Management Bill, but there are certainly powers now to deal with these things as David has outlined.
Appropriate risk management guidelines and practices for roadside hazard management in various speed zones: we are putting considerable resources into this task. We have tools to assess risk and we are developing those with the Australian Road Research Board and considerable time and effort is going into making those tools much more sophisticated. Basically you can look at a road and see where the crashes have occurred, but then if you really want to target your dollars you go in and look within that length at what are the high-risk sections. For a simple example, if there are no trees on that length of road you would not be bothering to treat it for run-off-road crashes. But this tool assesses all the hazards, all the characteristics of the road and lots of data and gives us an ability to rank sections of road in terms of their risk. We think that would be a very cost-effective way to get the maximum benefit out of the available dollars. That is going on right at the present. There is a vigorous effort by regions right across the country networks as well as the outer metropolitan networks.

Risk management: of course we have our guidelines, manuals and standards that we use to make sure that we meet acceptable standards, and we are constantly reviewing those. I have talked about risk assessment and, of course, our black spot program criteria.

The CHAIR — Regarding your black spot program area, it was often raised with us in regional country councils that the locals could identify what they perceived as a dangerous intersection, but because there was not much traffic or there was no accident record it did not attract the black spot funding. I would be interested in your comments with regard to that.

Mr HOWARD — Risk management or risk assessment is really targeting that issue. It is saying, ‘We do not have to wait for crashes to get in and do something’. Indeed, particularly with run-off-road crashes which can be related to fatigue or distraction or matters like that, or if you make a simple human error, it is very likely that they might occur at the same time; it is most likely. So we are not so much saying this is an attempt to move away from something. Certainly where crashes have occurred that has to be the area you focus on, but you look within that and beyond it to work out where your highest-risk sections are. I have just talked about run-off-road crashes, but this tool we are developing, which is going to take some years to improve on, will look at other types of crashes like intersection crashes; pedestrian crashes; crashes on other parts of the network with different characteristics, head-on crashes for that matter, so the ultimate situation would be to combine all of those crash-risk assessments into one factor — and that is our goal — but that is going to take us a year or two.

Mr STONEY — In that process area, will there be a provision for local road safety committees or whatever to have input? There might be a lot of near misses, but never one fatality in an area or something.

Mr ANDERSON — As members would be aware that the Premier announced a proposed road safety program yesterday which was reported in the media. It is not being termed a black spot program and we have yet to provide advice on precisely what our views are on how that program should be formulated in detail, but we would be considering the risk-based approach that Eric has briefly described. Certainly we would be suggesting that that program concentrate on rural areas and to some extent on the outer metropolitan areas, but until we, firstly, have that program confirmed in the budget and then formulate some detailed advice — I have had only a very brief discussion with the Minister for Transport, but within the next week I will be presenting him with our views about how that program should be formulated and put together; until then it is a bit premature to say how it might work.

Mr HOWARD — Without taking too much time, Chair, one of the key issues with this is the different nature of personal risk on the road as against system risk. Personal risk can be on any road in the state depending on its alignment conditions, but to get the best benefit if you deal with those routes where most of the risk is, which is where most of the crashes are, of course that tends to be where the volumes of traffic are; that is no surprise at all. In terms of cost-effectiveness, if a treatment costs a certain amount of dollars, if you are addressing more crashes it is a much more cost-effective way to go. You often get people looking at a particular route of the road and saying ‘That’s very dangerous’. There might be a very low level of traffic on that road while a similar situation on a higher-volume route might actually be not quite as unsafe, but because more traffic uses it there are more crashes. Personal risk and system risk is something that is worth keeping in mind when you have a chance to reflect on this; it is a driver for the way we try and address the system. If you go where the traffic is you are usually not too far away from — not always but most often close to — where the problems are.

Cross-median protection: we have done a lot of work on medians, particularly in the outer urban area, and that includes the Eastern Freeway. There are still a number of untreated sections of metropolitan freeway for this middle
barrier and side barrier, and these are the areas we are looking at as well. There is the need to support terms of
reference, the need for legislation and statute requirements, and we have talked about the Road Management Bill.

Mr ANDERSON — I gather members would be familiar with the details, but if it helps — and we have
copies of these, and I am sure you have as well — schedule 3, section 10, is the proposal for road authorities to be
able to remove dangerous trees, vegetation or poles, and schedule 7 contains some duties, but also some examples
of how some of those provisions could be applied and agreements. Section 20 of schedule 7 includes the power to
require removal, relocation et cetera of non-road infrastructure. I do not know whether it is helpful to the
committee — I am sure you have all got copies — but there are additional copies of that schedule, if that is helpful.

Mr HOWARD — The Road Management Bill, where it deals with amendments to the Road Safety Act,
talks about the obligations of road users. I think it is one of the first examples in Victoria of legislation actually
spelling out what is expected of road users. We can provide that to the committee executive officer, but I think it is
a very useful piece of information that can be promoted to the public in terms of the things that they should be
aware of — that is, that they must use a highway in a safe manner having regard to all the relevant factors. It spells
out some of those factors, such as the characteristics of the road, the weather conditions and so on. It is a very
positive and useful direction that others have produced, and it is very good. As to conclusions, the scale of the
problem is a significant issue. There are the percentages, John, that you were asking about — that is, 37 per cent for
trees and 20 per cent for poles.

On countermeasures, removing the object from the clear zone would be highly desirable, making sure your
roadside objects are frangible when they are in the clear zone, but improvements to infrastructure to get some safety
barriers in place, seal the shoulders or put in tactile edge lining.

Mr ANDERSON — Finally there are the recommendations. I will not go through those other than to
recommend in addition that the committee consider relevant legislation, both road management and environmental,
and perhaps provide advice on any improvements that could be looked at to obtain what in my view, and my view
only I guess, would be perhaps a better balance between what we have traditionally had. I do not know the answer;
I think it warrants review. Maybe there are some other suggestions as to how people can and should work together
to ensure that we protect the environment but also provide safe road infrastructure.

Mr STONEY — On David's last comment, protecting the environment might mean we take a long-term
view and create a new environment further back from the road rather than try to hang on to what we have got. In
the interest of the environment perhaps we should be taking a much longer view and taking out the dangerous trees
and at the same time planting trees further back so we can still have that wildlife corridor.

Mr ANDERSON — I think there are opportunities like that. Sometimes we have done that. We have said
that if the existing road is going to be duplicated you clearly go well beyond the vegetation on the roadside. We
have amended planning schemes and acquired land in basically cleared rural areas. That is a technique that
obviously has its pros and cons, but the more we can all be aware of this and try to come up with some innovative
solution, the better it will be.

Mr STONEY — So cost wise — down in Bairnsdale and perhaps on the way to Phillip Island are two
examples I can think of — is it cheaper to go out and take farmland and keep away from the trees, or to take the
trees out and replant?

Mr ANDERSON — It is horses for courses; it depends on the value of the land. In determining the
overall cost, you have got to take into account the productivity of the land as well. It is probably easier to take trees
out, but we also have very strong environmental requirements in our legislation, so we would always try to get a
balance when we recommend the solution. I do not think it is simply a matter of cost, certainly not the cost to the
road budget. It is the total community cost that needs to be addressed, and there are better and better models for
doing that.

Mr LANGDON — On that issue, particularly in some of the rural areas we have seen, the remnant
vegetation is that strip along the highway. Some of the strips are very narrow, which is obviously environmentally
quite significant. Does VicRoads take much land off and try to replant the same vegetation in the longer term view
to widen the road, put shoulders on et cetera?
Mr ANDERSON — There are cases of that. There are cases in the Ballarat area, and I am sure there are more than what I can remember, but there are certainly some along the South Gippsland Highway where we did that. Along the Hume Highway, and on the Northern Highway I can think of some areas. It is a very appropriate way to go. We should not underestimate the value of the roadside environment that we have. If you look at a map of Victoria as it was in terms of tree cover at the turn of last century — that is, in 1900; and there is a map like that — and then look at what is left now, I think we have got to put a very high value on roadsides. It just creates a dilemma, because it costs to protect them, and maybe that is quite a legitimate cost. Certainly within VicRoads we try to say to our people, ‘This is not a traditional way, simply seeing a tree as a hazard. A tree has got to be seen as something with other values as well’. Perhaps that is a bit of gobbledegook, but it really is a serious dilemma.

Mr HARKNESS — Can you describe any trends that might exist in terms of run-off-the-road accidents into roadside objects in terms of demographics — that is, the age and gender of the drivers and riders — and also their sobriety and seat-belt usage.

Mr HOWARD — We can get that material for you.

Mr ANDERSON — We will come back with that.

Mr HOWARD — I am not aware off the top of my head of a trend there, but there is certainly a strong link between alcohol and run-off-the-road crashes in those high-alcohol hours. We can get that data for you.

Mr HARKNESS — There is another issue which is not related to roadside objects, but I wish to seek your opinion. Frankston City Council and several other Victorian municipalities, and almost every municipality in New South Wales, have road safety officers providing a range of services and education, identifying local road infrastructure deficiencies and doing a range of other things. What is your attitude to road safety officers, and what work has been undertaken?

Mr HOWARD — We have a very strong program with local government called Safer Roads, and we had a major conference last week with about 400 delegates over two-and-a-half days. One of the features of that program was the sharing of ideas in terms of what is happening. Eighteen councils in Victoria now have road safety officers. We have provided support and funding to every council — except I think one, David, which declined at this stage — to prepare their own road safety strategy. It is what they think are the issues in their local community, and not what we might think will help. It is what they see as the issues based on their own proper research and use of data. We then work with them to help them focus on two or three of the key countermeasures. We do not expect people to do everything; they will lose focus. By and large local government has been a strong supporter of this. They have come out with their programs. They continue to roll them out. I think there would be more than 300 programs across the state this year. It is also a very important part of informing the community about the issues. Of course local government has its own obligations with its own road network. It is a vitally important partnership with community road safety councils.

There are 24 councils across the state. It was a joint conference. We encouraged them to work together because the road safety councils are very good at promoting issues, getting publicity and so on. Safer Roads is a partnership between the Municipal Association of Victoria, LG Pro, ourselves, Victoria Police, the TAC and the RACV. That was the third conference, so that group has worked for four-and-a-half years. It is very important and there are good sides. Very good things are happening, and we think it has a little way to go.

Mr ANDERSON — Specifically we think at least for the larger municipalities it is a very good idea to have a dedicated road safety officer.

Mr HOWARD — Absolutely.

Mr HARKNESS — I think one of the issues identified by particularly the smaller rural municipalities is that the shire engineer has to do almost everything, such as attending the schools and doing a whole range of those other activities, and that that is almost impossible.

Mr HOWARD — It is a very big pressure for the country municipalities. That is true. They are generally not resourced to be able to do that, but there might be some options for sharing resources.
Mr LANGDON — On that same issue. I am aware that Treasury loves statistics and that road safety officers do cost money which has to be found somewhere. In all your statistics where councils have road safety officers, has all their positive work caused a drop in fatalities or anything like that?

Mr HOWARD — I cannot really say that, but I know that in a couple of areas, including an area I have some knowledge of, there have been reductions. Whether that is due to the particular activity of that council or not, who can say?

Mr LANGDON — That is difficult to ascertain, but I am saying Treasury does love statistics.

Mr HOWARD — Yes, and I think we have seen a major reduction in road trauma across Victoria. I am quite certain the contribution — the increased profile that local government has given it — has been a factor in that.

Mr STONEY — I am interested in railway crossings. As I understand it at the moment, the lessee of the particular railway line is responsible for the railway crossing and a certain width each side — to maintain the road. I understand the Road Management Bill puts this in legislation but does not really change the situation. In a lot of country areas there has been a lot of concern about the quality of the crossings — the fact that they deteriorate and take a long time to be fixed. Are you concerned that perhaps the bill does not address this properly? What would you see as the ideal situation for that to be improved in the future?

Mr ANDERSON — I think in the past there has not been much awareness of the responsibilities. I know that when some of those facilities were first privatised — or access to them was privatised — it seemed to us that the organisations concerned concentrated on their operational aspects, and this was something of low priority. That is changing and again we think the bill would take it to another level. We do not have a view as to whether the contractual arrangements for those areas should change or not because we can see a way to improve what is happening at the moment. Until that was shown to be a failure we probably would not consider providing any further advice to the government.

Mr STONEY — Would you agree that at the moment — take it as if it is today — the standard of a lot of crossings in Victoria is of some concern?

Mr ANDERSON — Yes.

Mr BISHOP — A number of councils that have appeared before the committee showed some interest in the RACV publication, *Lifeline: Situation Critical — For Victoria’s Rural Arterial Road Network*. That talks about the minimal standards in B and C category roads. Would you care to comment on that particular publication, because it was certainly raised with a degree of interest in country areas.

Mr ANDERSON — We work fairly closely with the RACV. We share information. I will not say we share chief executives — not any more — but we certainly have common ideas about many things, and we obviously do not have any argument with the RACV’s support for improved infrastructure. It is really a matter for governments to determine how they set their priorities for resource allocation. But we are concerned about the rural road toll. I guess, in summary, we are saying in our submission that we think there is only a limited amount of improvement that enforcement can achieve, and that under the safe system concept we think improvements to infrastructure has to play an even greater role than it does in the metropolitan area. Therefore we support any argument for more resources in that area.

Mr HOWARD — I will just add to that, Chair. I think, particularly on the heavy vehicle routes where head-on crashes are of greater concern than on other routes, duplication is a very important goal. For roads like the Western Highway and the Goulburn Valley Highway, for example, it is very important that those major heavy truck routes are duplicated as soon as resources will permit.

Mr ANDERSON — Eric mentioned the road safety risk manager, which is a tool for assessing the relative risks of sections of road. We are meeting regularly with the RACV to share that tool, so that everyone has an equal understanding of where the greatest needs may be.

Mr HARKNESS — If your budget was like *The Magic Pudding*, and you had unlimited expenditure, what would you particularly focus on in terms of roadside objects? Would it be enforcement; education; improvements to road infrastructure itself?
Mr HOWARD — I think the biggest issue is improvements to the road infrastructure and that issue. Then, if there are very dangerous sections, very high crash-risk sections of road where you really cannot see infrastructure readily within the next 5 to 10 years, you would probably have to look at speed limits. But, taking the point made earlier, that then creates a series of other issues that you have to deal with. We have seen that, for example, on routes such as the Great Ocean Road where we have looked at measures and that same issue was coming up about retaining them.

Mr ANDERSON — We have had recent discussions in-house about non-regulatory signs, warning signs such as the sharp curve type sign, et cetera, and we think perhaps in recent times we have not paid as much attention as we could have to education on what those advisory signs mean. We do not have any evidence to back that up, other than that we think it is important that people understand that we can give them clues as to what is ahead, and we should not simply rely on a regulatory approach and beating them over the head to encourage them to drive safely. As I said earlier this morning, there are some people where perhaps that is the only way; but I think we would like to conclude that the majority of Victorians are sensible drivers and good drivers, and we have a duty to provide them with information so that they can take care of themselves.

Mr HARKNESS — A number of people have made the observation that if there were a preponderance of advisory speed signs, people would drive according to the signs rather than by the conditions. So if it says 70 km/h on the bend, and it is wet and it is hailing, they may still drive at 70 km/h because that is what the sign says.

Mr ANDERSON — That is a point we would accept. Maybe we have to have a little bit more of an innovative look at advisory signage or other methods in Victoria. Maybe the time has come for that to be done.

Mr STONEY — We have had a few comments that roads in national parks and in public land generally, state forests, really do not come under any category as far as road safety objects or safety aspects are concerned; they are just roads in the bush really. Is there still a national park access fund provided by VicRoads which the DSE, or Parks Victoria, administer? There used to be about $400 000 that went towards access roads to national parks. Perhaps they were maintained by shires, but they did not have the funding to maintain them.

Mr ANDERSON — I do not believe there is any more. I would have to get back to you on that. I guess I should know, but I am not conscious of that having been in place for the last couple of years.

Mr STONEY — I was just interested whether in fact you had any administration over that money — —

Mr ANDERSON — No, we certainly have not; we passed that over some years ago because it was pretty ineffective — us pretending to know what the priorities in national parks were.

Mr HOWARD — Just in relation to local government in particular, in our submission we made the point that if we can develop techniques with this risk assessment that help us to better target available funds and tackling problems, we want to share that with local governments, because with the limited funds that they have, if they can see that there are safety-type works — not black spot treatments, but safety-type works that will give them a good return — they accept that it is worthwhile doing and they may put some of their own resources into these targeted measures that would give us a benefit on the local roads.

The CHAIR — Any further questions? If not, we thank David, Eric and George for your time and input today. As I said, we will provide a copy of the transcript to VicRoads in due course.

Witnesses withdrew.
ROAD SAFETY COMMITTEE

Inquiry into country road toll
Inquiry into Crashes Involving Roadside Objects

Melbourne – 3 May 2004

Members

Mr B. W. Bishop  Mr T. W. Mulder
Mr J. H. Eren  Mr E. G. Stoney
Mr A. R. Harkness  Mr I. D. Trezise
Mr C. A. C. Langdon

Chair: Mr I. D. Trezise
Deputy Chair: Mr E. G. Stoney

Staff

Executive Officer: Ms A. Douglas
Research Officer: Mr G. Both and Mr P. Nelson

Witnesses

Mr K. King, executive director, Forests Services;
Mr R. Potter, senior planning and roading officer;
Mr A. Muir, team leader, native vegetation management, Department of Sustainability and Environment.

Necessary corrections to be notified to executive officer of committee
The CHAIR — Welcome to the Department of Sustainability and Environment. We appreciate your input and time into this inquiry today. As you are aware, this is an inquiry conducted by the Road Safety Committee. We are running two inquiries, one into the country road toll and the other into crashes involving roadside objects. We are operating under parliamentary privilege today, so what you say today cannot be used against you legally in the future. Thank you again for your input and time. I will now hand over to you for your submission.

Overheads shown.

Mr KING — Thanks for the opportunity. We have some information in two parts; one is the role of DSE as a road manager, which has quite a significant road network of roads in state forests; and the second is native vegetation — roadside stuff — and Adam is from the area that looks after that.

The CHAIR — Just the man we want to talk to!

Mr KING — I will take you through some background and give a brief overview. Ross has a lot more detail on the road classification and can give you an idea of it. Based on that road shown on the slide we are in the more unsealed and more informal road network end of it, and Adam is probably better across some of the detail to do with that. We are happy to follow up any questions that you might have for which we do not have the information today.

In terms of DSE’s responsibility we have approximately 26 000 kilometres of roads in state forests; and Parks Victoria manages another 14 000 kilometres in its parks, and that is about 50 per cent of state forests and parks. There are also roads on Crown land reserves. They are probably more intense areas such as on coasts, football grounds, alpine resorts. Some of those would be municipal roads because they are very formal, but some of them may be just a road around a football ground that is used, so all that comes up on Crown land estates.

Over the last few years we have been managing roads in state forests on three primary categories. There are roads that have a primary commercial use, and that is mainly for timber utilisation; there are roads that have a forest management or a general use and then others that have a specialist fire protection use; and there is a fair bit of overlap there. If I could describe our entire road network it is, with a few exceptions later on through seasonal closures, basically open for public and community use.

The principal users we would see would certainly be the timber industry. The other users would be recreational users of the forest. We use the roads for forest management purposes, and also when we talk about roads we talk about anything that is trafficable by a vehicle — a two-wheel-drive or four-wheel-drive vehicle — plus our fire tracks are ones that might have had a dozer go down first to open it up, but they are usually of such a nature that they can be trafficked, and Ross will go into that in a little bit more detail.

The public land is mainly in the mountainous or vegetated areas of the state. It consists of nearly totally unsealed roads and, as I said before, it is roads and tracks and there is a mixture of four-wheel-drive, two-wheel-drive and log trucks. The other major variable we had which had to be accommodated by the users of the tracks is the variable weather conditions. You can have thunderstorms, you can be in a four-wheel-drive track at the top of a ridge and it might snow. Our work at this stage is putting information out to the users of those tracks to say that they need to be prepared not only for other users who might be on the road but also to take food and water in there. As well they have to be mechanically prepared to get themselves out of a bog or a situation.

There are nearly as many road categories as well. There are formal ones where the road is on a road reservation, some of which we manage, largely in municipalities. There is the unused road reserve, which is the future road network and which is licensed out by the department; and then there are roads and tracks that are just constructed across the forest or the park. As I said before there are others that were just a track that was put in as a fire access track or a fire control track. We do have management vehicle-only tracks, which means it is still a road and is maintained as one, but in terms of usage of it is restricted to management vehicles and members of the general public are not able to use it.

Before I get Ross to go into the whole maintenance and classification of our system and our code of forest practice, one of the aspects we do principally with the four-wheel-drive-associations is we have the ability under the Forests Act to temporarily close roads. That is usually done for seasonal closures, and in order for us to manage our road network and not have it all ripped up by excessive use we have a way of sitting down with the four-wheel-drive owners and associations and saying, ‘Okay, all parts of the states and the mountainous areas can be closed for the
winter season’. It is usually published in their magazines, so they know about it, and they re-open in the spring. We do that in consultation, so there would be barriers at the logical points so that people do not go all the way down the track and then find it is closed. It is signposted so people know it is there. The regular users of those tracks have a fairly good idea of it. I will now hand over to Ross who can take us through the classification bit and some of the more detailed specifics on how we manage the roads. Would you prefer us to have questions at the finish?

The CHAIR — We would prefer to get into a question and answer question as we go along.

Mr KING — Okay.

The CHAIR — Do you have crash stats with regard to the roads or are stats at least kept?

Mr KING — Not in a direct way, no. In terms of the fatalities, we would take that as a matter for the police, so the police would be there. Ross and I scratched our heads a couple of days ago, thinking that would be one of the questions. There was only one of our staff who, about 25 years ago when the Dartmouth Dam was being constructed, was a fatality. Of the other crashes that occur, it would only be if they were reported to the police.

Mr STONEY — It is our understanding that VicRoads keeps a very comprehensive database of all road accidents in Victoria and its representatives told us this morning that it is up to councils to access that data and assess what might be a danger spot. From their answers this morning I assume that it is possibly the same with DSE, that it would be up to you to check the VicRoads database. My question is: do you have any idea of perhaps some of the more dangerous areas in the 26 000 kilometres of roads that you maintain? Also, are you speaking for Parks Victoria as well, or not?

Mr KING — No. I do not know whether you want to talk to Parks Victoria. It would be best for it to present separately. I can answer that perhaps in terms of what we see as the hazards because, as in Ross’s presentation, you will see that a lot about tracks are our basically one width to one and a half widths — they are not double width — there is always the issue about head-on collisions. There is also the issue about rolling down an embankment. The other one is just crashing into either the batter or a tree on the side of the road. We do not have a facility outside the VicRoads database that would maintain all that information, unless it was reported by insurance companies or something like that.

Mr STONEY — So you might have an area in a state forest that regularly has accidents but there would be no monitoring of a particular site?

Mr KING — I think if there was an equivalent of what the black spot program would be, we would have a management information system that would tell us that was a problem.

Mr STONEY — How would you know, unless you are accessing the VicRoads database?

Mr KING — We have over 3000 staff who are out there every day on a day-to-day basis. A lot of the crashes would come to the attention of one of our staff members. I suppose my response is saying that we do not have a very formal system which takes all that as raw data and then brings it to us as: these were the crashes; these were the people involved — outside the VicRoads database.

Mr STONEY — Would you agree that, perhaps from a road safety point of view — which I know is not your primary focus — it is a little hit and miss in identifying bad spots on the roads that you administer?

Mr KING — I would say that if it was a real problem area I would be confident that we would have it covered because we are out in the forest. We know it and we are dealing with the users, including a log truck driver who says that there are a lot of instances. There are a lot of areas where we can get raw data, if you like, but our system of bringing that back to statistics to analyse could be improved, yes.

Mr MULDER — Is it fair to say that you are more in a role of being reactive rather than proactive in relation to this matter and relying on other agencies such as the police to pick up that information?

Mr KING — The police would be one of the sources. VicRoads would be another source — or local councils. Because it is not, as has probably been put to you, as clear as: this is all our road. You go from a VicRoads road to a municipal road to ours and then back to a municipal road. So yes, we would have to go to all those sources and bring the information together. It is more, I suppose, reacting to it, but, as Ross will outline, we
do have a way of designing our roads and putting up cautionary signs where we think there is an issue. Also, in information to our road users we cover things like: you need to be careful of other users — and some of those may not be in a vehicle; they may be walking or on a horse. We design them for relatively low speeds. Because of the weather conditions too there is a whole lot of things that can change. We cannot signpost every particular instance; it is a matter of broader information out to our users.

The CHAIR — Thanks, Ken.

Mr KING — I am happy to cover any other questions during the presentation. I might get Ross to go through some of the more detailed stuff, which shows that whilst VicRoads and the councils have a lot more sealed roads, we do have a similar sort of network and we use all the design standards and that to follow through on the roading.

Mr POTTER — DSE uses a five-tier classification system, with classes 5A to 5E. The 5A roads we call primary roads and they are all weather, predominantly two lane and mainly sealed. We have about 14 kilometres of them, so they are a very small part of the network — and that is across the whole state.

We have about 400 kilometres of what we call 5B roads, which are secondary roads which are all weather, two lane, formed, gravelled and cater for a moderate travel speed of vehicles. That is generally between 30 km/h and 70 km/h, depending on whether the roads are on mountainous terrain or flat terrain, but most of our 5B roads are in the more mountainous terrain, so we are catering for a travel speed of around 30 km/h.

We have about 2800 kilometres of class 5C roads, which are minor roads. They are all weather, single lane, unsealed and usually lightly gravelled. They have a lower travel speed again, between 20 km/h in the mountains to about 60 km/h on the flat. They have a fair quality level of service. Those sorts of roads link the low and moderate-use visitor areas in the forest or a number of logging coupes to the more major access roads.

We have about 9000 kilometres of class 5D roads, which we call access roads. They are generally dry weather — some of them are all weather — single lane, formed and they might have some sort of light gravelling on them. They have a low design speed — in the mountains less than 20 km/h up to about 40 km/h on the flat country. Those sorts of roads access individual logging coupes or low-use visitor areas. Often they are the major network of the fire tracks too. Some of those are seasonally closed or restricted to four-wheel drive only.

The class 5E roads are our rough tracks and the majority of the network, about 13 000 kilometres. These are the four-wheel-drive tracks, which are generally dry weather only, single lane, just an earth track with no surfacing and very low travel speed. As I said, they are primarily for four-wheel drive and mainly for fire access, although they are used by four-wheel drivers for recreational purposes.

Mr STONEY — Does that category of roads include roads that you might share with a local council?

Mr POTTER — No. These are roads for which DSE is the road manager. They are roads in state forests.

Mr STONEY — Do you have any roads that are jointly managed, where perhaps there is a council road that leads to another road? Up the Buckland Valley there are a couple of examples where there is a council road that leads to a bit of private property, but I am sure it goes through public land — state forest — as well. How would you manage that section of road?

Mr POTTER — I do not have the detail. They would be managed on a case-by-case basis, based on the history between the municipality and the department. Often that is based on who is the major beneficiary of the road. It could be just us sending our grader down the road or vice versa — those sorts of arrangements.

Our road classifications are based on the function of the road rather than on the description of what it is. We have a geometric design standards table for our field staff. When they are constructing or upgrading roads they are to construct or upgrade them to those minimum design standards, which cover the super elevation, the traffic lane widths, the carriageway widths, the curve radiiuses, minimum meeting sight distances — a whole of factors. When we are building or upgrading roads we build them to those standards. For road maintenance we are generally just maintaining the road to what it is, which is generally grading or resurfacing the road.
In answer to a question before about whether we know that there is a problem on a particular road area — and that can change from year to year, based on the weather and so forth — we send our road maintenance crews to improve corners and slippery bits by extra surfacing material generally or realigning corners et cetera.

Mr MULDER — Ross, can I just ask: do you maintain roads that are used by forestry vehicles as well? I mean the timber industry?

Mr POTTER — Yes, we are talking about roads in a state forest. The timber industry generally has our highest standard roads — in the 5D up to the 5B range — and then they go on to the municipal or VicRoads network.

Mr MULDER — The Road Management Bill has just gone through Parliament and points to the fact that where industries are involved in excessive wear on roads there is now the ability of the road manager — and DSE is the road manager — to levy them for the damage they cause to those roads. Has DSE worked out how it intends to levy the timber industry in relation to road repairs and maintenance?

Mr POTTER — As part of the royalty that sawlog or residual log licensees pay for the wood there is a road charge based on whether it is sawlog or residual log and the species of log, which takes into account from which sorts of areas of forest the timber is cut. So the road charge is higher in mountain ash forests, where it is generally more mountainous and wetter.

Mr MULDER — That is already included in the royalties?

Mr POTTER — That is included in the road charge, yes.

Mr STONEY — That will now go to VicForests will it not?

Mr KING — And DSE. The overall network will be part of the state forest and there will be commercial operations at different spots.

Mr STONEY — And then in turn VicForests will — —

Mr KING — Yes.

Mr POTTER — Going on to how we classify our road conditions, they are described using four categories: good, fair, bad and untrafficable. Currently, about 8000 kilometres are classed as being in good condition. We say that good condition is travel speed that is the design speed which is not unduly reduced by road surface condition — that is, you can travel at about 80 per cent of the road’s design speed. We have about 14 000 kilometres of road in fair condition where a vehicle is able to travel between 40 per cent and 80 per cent of a road’s design speed. Bad condition is about 2800 kilometres, and that is between 10 per cent and 40 per cent of the road’s design speed. Untrafficable is about 900 kilometres, and vehicles have to travel at less than 10 per cent of the design speed or not at all. The data for that is filled out by field staff annually for each road and track.

We currently have an assessment project happening across all roads and state forests looking at the condition of each road, and safety aspects of the road. The maintenance criteria we are looking at during the assessment include how much rutting and loose material there is on roads, how much channelling or scouring; the amount of course texture or roughness, potholes and gravel depths. We are also looking at the condition of table drains, batters, roadside vegetation and culverts, trying to get a better picture of the condition of our road network. So instead of just saying it is good or fair, we have an understanding of the level of defects we have on the roads. That assessment is also looking at some safety issues, and we are trying to get a priority list of the roads, from the most risk down to the least risk. Some of the general factors we are looking at are the class of roads — so obviously the higher the class of road, the faster vehicles can travel which means it is a high risk road; the weather — whether it is more mountainous or flatter, and the proportion of commercial vehicles on that road, which reflects logging traffic versus more normal tourist traffic.

We are also looking at road factors: the amount of loose material on the road, depths of table drains, how close culverts are to the road and how close trees are to the road. So trees either less or more than 300 millimetres in diameter, how close any rollover slope is to the road, the closeness of the embankments, the width of the carriageway, vertical grades, horizontal curve radius, elevation, sight distance, roll-over potential and the number of intersections and any sign delineation. We are also looking at bridges, including the age of a bridge, how often the
stringers are inspected, general bridge condition, road approach, skid resistance, traffic barriers, pedestrian
guardrails, bridge drop-off, bridge width, sight distance and delineation. Currently we are collecting quite a number
of kilometres in East Gippsland and we are starting that process around the Alexandra area at the moment.

Mr STONEY — Are you doing the work because of the increased risk of litigation?

Mr KING — Not really, we are just doing it so we get a better handle on our roads. As you are probably
aware, the history of the network was really about timber utilisation and fire, depending on where the utilisation has
been and in what area. We are also looking at it and saying: what bridges are absolutely necessary to be used?
There are places where a bridge has been in place for some years, and you would have to look at what the usage
might be and whether you would put a bridge back there into the future. Would a river crossing be more
appropriate?

Mr STONEY — What is your budget for on-the-ground works on the 26 000 kilometres of road that you
are responsible for, apart from planning and assessment of the roads? What is the budget for works on-the-ground,
to maintain and upgrade those roads?

Mr KING — I did not bring that with me, sorry. I am happy to provide a figure for state forests. So it is
on — —

Mr STONEY — The works on the ground.

Mr KING — So maintenance?

Mr STONEY — Physical maintenance, as opposed to planning.

Mr KING — Okay; so not planning?

Mr STONEY — I would be very interested in how much you are spending on the 26 000 kilometres of
road.

Mr KING — Okay.

Mr POTTER — That assessment project is not only related to road safety. It is also looking at the quality
of stream crossings and so forth, because we realise that out of the money we have we need to make sure that our
network is safe and not damaging to the environment. So we are particularly looking at stream crossings too.

The last thing I was going to say is that we have developed a couple of road signs to advise road users of the
different conditions on the road. One is a forest road condition sign, and that warns drivers that a lot of our roads
are narrow, have blind bends and can be slippery. We have advised our field staff to install these signs, primarily on
roads that are more heavily used by tourist traffic. Where people drive off the VicRoads or municipal network onto
one of our roads they are going from a bitumen road to an unsealed road and therefore the road conditions change.
So we are just advising users that conditions have changed. The other is a sign of a log truck on a pretty narrow
road, because they can be a bit of a scary sight. So where there is logging traffic on a road, we put up those signs
for the period that logging traffic is using those roads, and then we take them down.

Mr STONEY — I have seen a few of those signs: I think they are a great idea except that they are very
small and perhaps drivers are watching the road and trying to read the sign and go past it, because it is really only
about one foot by one foot. They are great but very small.

Mr POTTER — We went through ARRB Transport Research, who helped us with the design of those
signs, and it said that they met the Australian standard. Generally we put them at intersections where people are
driving more slowly. I have not heard that criticism, but I will take it on board.

The CHAIR — Do you have increased tourist traffic such as buses?

Mr POTTER — In some areas, but not in general. It is generally closer to Melbourne — school groups or
tourist groups.

The CHAIR — What are some examples of roads that take tourist bus traffic?
Mr POTTER — I took a group of Swedish forestry people out to Powelltown the other day. We went up Big Creek Road. We would classify that as 5B — one of our top classification roads. When it is completed South Place Road will certainly take some traffic up to Newlands car park at Baw Baw. There are also some roads around Marysville that take buses.

Mr KING — With the Marysville example we worked with the local tourism association, the Mystic Mountains Tourism Association. We put our effort into interpretation along there as well. We usually try and take a more conservative approach to buses.

The CHAIR — I would imagine that tourism and tourist traffic would be a growing issue for DSE on that road network?

Mr KING — It is a bit like our crash statistics. We know for some areas — and Parks Victoria might have some better visitation figures for the various ones — but we are not able to make any connection between increased four-wheel-drive ownership and using them in the forest.

Mr POTTER — Generally they are using the network that the timber traffic uses, so those roads are a higher standard anyway. So if they are suitable for a log truck, they are suitable for a bus.

Mr KING — I know your heading was inquiring into the country road toll. What we tried to give you was a bit of a snapshot of what our role is as an actual road manager in a direct sense — as manager of the public estate. I will now ask Adam to cover the second part of it, if that is okay, but we can cover any questions.

Mr MULDER — Just before we do that, I have a question. As a road manager, you will have to prepare a road management plan as per the new Road Management Bill that is coming in and conduct your audits and set up your road management plan for that legislation and codes of practice. With the level of funding you have in terms of how you determine your road management plan and your auditing, particularly your maintenance regimes, how do you intend to handle that in terms of available funding, because you fall into the same jurisdiction as local councils or even VicRoads now?

Mr POTTER — I would have to say at the moment we are still working through it, to go into the road management plan, and then how we are going to be managing it. The assessment issue will cost us more because it is something that has not been done, but we have to work out the frequency of assessment and how we are going to do that.

Mr MUIR — I will say something very briefly about the existing regulations relating to removal of native vegetation on roadsides, and I am happy to answer questions. I will be pretty brief. Under the authority of the Planning and Environment Act 1987, statewide native vegetation controls were introduced to all planning schemes in 1989. These require a planning permit for the removal, destruction or lopping of native vegetation, subject to a range of exemptions. The local council is usually the responsible authority for administering planning schemes, so it is responsible for administering the controls, but DSE is a referral authority for certain types of permit applications, including any applications for vegetation removal on a roadside. So DSE is often involved where a permit is required to remove native vegetation on a road. The exemptions to the need for a permit to remove native vegetation include some of the things relevant to roadsides, such as various fire safety exemptions, emergency works, being able to remove unsafe trees without the need for a permit if trees are dead, and so on. There is also an exemption for keeping the actual formation of the road clear of regrowth. I am paraphrasing a bit, but essentially that is what the exemptions are about as they relate to roadsides.

In 2002 the government released its new policy on native vegetation management — Victoria’s Native Vegetation Management — A Framework for Action, which is this document here. That has not changed any of the existing native vegetation controls or the exemptions. What it has done is provided a more consistent approach for valuing priorities in terms of retention of native vegetation and provided a sort of accounting approach for how we are progressing towards the overall goal of net gain. But it is important to stress that the introduction of this policy has not changed any of those exemptions as they relate to removal of native vegetation on roadsides. That is probably all I wanted to say. I am happy to answer any questions that you may have.

The CHAIR — Could you perhaps walk us through the process? In the picture on your left there, say, a council or VicRoads identified one of those trees or a stand of those trees as unsafe with regard to road safety, what is the process that takes place for them to apply to have the trees removed?
Mr MUIR — Firstly, it probably depends, and this would be from the point of view of VicRoads in terms of how urgent they felt the work was, because there is a clear exemption for removal of trees that pose an immediate risk of injury, so if they considered something to be — —

The CHAIR — An immediate risk — —

Mr MUIR — An immediate risk — —

The CHAIR — There is an exemption?

Mr MUIR — There is an exemption, and they could remove that vegetation under exemption, but what they would normally do, and they would be advised to do, would be to check with their local council first that that was okay. There may need to be a site meeting. DSE may be involved in that. Generally VicRoads approaches this, I think, with a report. They usually, if I understand it, do sections of roads and they get an arborist to assess tree health and so on. My understanding is that in those cases VicRoads would come to a site meeting, pointing to some trees with an arborist report saying, ‘It is clearly showing that these are an immediate risk’, and there would be a quick agreement that they be exempt. If there were trees, and it may be as it is in this situation, where it seems like there is a clear zone marked; so that, as I understand it, from VicRoads point of view there is a nominal area where they think it should be either clear of objects, clear of trees, or there should be some sort of safety or protective barrier to stop people running into the trees. There is no automatic exemption in those cases to remove those trees, except for the one I mentioned. VicRoads would need to apply to the local council for a permit to remove them, and that permit application would need to be then referred to DSE, whose comments or decision would then be binding on local council, because it is a particular section of the Planning and Environment Act.

The CHAIR — With regard to council, if it is a council maintained road or responsibility, council would still refer it on to DSE?

Mr MUIR — Yes, they would need to also apply for a permit to themselves, but it would need to be referred to DSE, so essentially it would be in those cases DSE making the decision, although it would still have to go through a council process.

Mr STONEY — Just listening to you there, you are sounding very reasonable about it, and that sounds like a good process, but we have had overwhelming evidence from around Victoria that indeed local DSE officers have been absolutely obstructionist in this process to the point where councils are beside themselves with areas that they class as highly dangerous and they do not know what to do. They have told us that even trees they class as dangerous were not allowed to be removed. They have told us that if they take one tree out, they have to plant 100 even if it is in full bush both sides, and it is patently ridiculous to have to do that because they will probably die anyway. Would you like to comment perhaps that the base policy is probably reasonable whereas the implementation on the ground is from our evidence far from satisfactory?

Mr MUIR — I have no evidence myself that this is the case, but if you want to provide me with any sort of details about any cases or situations, I will be happy to comment on those specifics. I guess what I said about the process is a simple snapshot of what the process is. At the end of the day the exemption is reasonably clear, but there has been an indication by the Minister for Environment that he wants to review the exemptions to the native vegetation controls, and part of the reason for that would be to improve the clarity of some of the exemptions and to consider those sorts of issues. The government policy as espoused in the native vegetation management framework is clearly one of retention first, and the importance of retaining native vegetation, but clearly with the flexibility to remove vegetation where required. I can only reiterate that there is nothing essentially in policy that should change the basic approach in terms of road safety, that has been in place since 1989 in terms of exemption areas in the permit process. So it is a little bit difficult for me to comment on that further unless I have specific cases in front of me.

Mr STONEY — Obviously the hearings will be made public, eventually the transcripts, and I am sure we will read them with interest. Can I ask what the rationale or the requirement is for planting 100 when one tree is taken? Is there some scientific base for that or is it just a good round figure? That has also been a big complaint that where they were required to plant replacement trees it just was not suitable but they still had to do it. There seemed to be a bloody-mindedness at the Department of Sustainability and Environment level about that requirement.
Mr MUIR — It is fair to say that the introduction of the native vegetation management framework has certainly provided a much more consistent and objective approach in terms of those offsetting requirements. The focus is on larger trees, medium and large trees, and there is a scientifically based process for determining those processes and how they are measured. The emphasis is on generally not replanting, as it used to be, but more about protecting other equivalent trees when old trees need to be removed. I cannot comment on whether someone required a 100-to-1 replanting ratio. There is a range of approaches that have been used in the past in implementing this framework, and it is not fully implemented yet. Certainly the approaches to offsetting the replacement will be much more objectively and scientifically based and consistent. The other thing to say is that offsets are not required to exempt vegetation levels so the offsets are only required when vegetation is removed, as under a permit.

Mr KING — Can I offer some more information from my experience as a regional manager in the departments before this. It may be perhaps a way forward. One of the good things the department did with local councils was to look at roadside management plans, not just trees. It was about weed spraying and all those sorts of issues. We found, particularly in South Gippsland when I was down there, that a way forward to take it out of the individual-tree basis or the urgent and high-priority ones was to say, ‘Let’s sit down and work out for a specific piece of road a roadside management plan. We can then get community input into it as a way forward on that’, because my reading would be that it is always a matter of degrees. If one of those trees were a specific hazard to safety, the road management authority could use the exemption provisions there quite easily.

The CHAIR — What sort of issues would need to be set up for the removal of trees?

Mr MUIR — From the DSE’s point of view it is particularly the value of the trees in terms of their conservation significance. The process for doing that is spelt out in the framework. It is a scaled and sort of consistent approach.

Mr KING — It could be species; it could be an intact wildlife habitat corridor itself.

Mr LANGDON — You said earlier that the removal of dead trees was one of the priorities. That contradicts some other forms of conservation that like dead trees for native wildlife.

Mr MUIR — There is a general statewide exemption for removing dead trees, so generally you do not need a permit to remove a dead tree. However — and I should perhaps have said this at the start — although there are statewide controls and exemptions, local councils can introduce additional requirements such as overlays which might in effect remove some of the exemptions in a particular location. For example, if it were a roadside that was known to be important habitat for a hollow-dwelling mammal, say, or a threatened species, and the roadside management plan had identified that as being an important area, the local council may decide to introduce an overlay covering that bit of roadside which could have the effect of removing the exemption from removing dead trees, so you would need to go through a permit process. And that is in order to protect specific habitat at a specific location.

Mr MULDER — Is there a definition of a dead tree, a dying tree, or a rotting tree?

Mr MUIR — I am not aware that there is a definition of a dead tree in the planning and environment acts.

Mr KING — I believe it is a visual assessment.

Mr MULDER — If it’s going, it’s gone?

Mr KING — Yes.

Mr BISHOP — Can I say that is an absolute red herring, what you were saying about management plans. I understand those; what we are talking about is safety — road safety. I am stunned to sit here today as a committee member and hear the gentleman over there say he does not understand that councils are having difficulty, because we have heard them all through Victoria. I do not know where your 3000 people are that you say are on the ground. Let us get down to where we go when the municipality does a road safety audit and it wants a tree out. We have evidence to show that it is extremely difficult. Has it got tougher? What are the policy issues? And why is it so difficult for the road safety aspect to be put into the right practical perspective from the DSE’s situation?
Mr KING — You have the benefit of the evidence being presented before the committee, but as Adam said, the policy at a statewide level has not changed. But what you are saying to us is that you have evidence now to say that there has been interpretation — —

Mr BISHOP — That’s right.

Mr KING — An interpretation which is going beyond the policy position, sort of saying we must look after every individual tree, whereas — —

Mr BISHOP — No, that is not the case. The case is that the municipalities in the road safety audits have identified trees to be removed, and they are not doing that out of hand. We did not believe that, anyway, from the committee’s point of view, but the interpretation of the policy that you gave appears to be far different from what the policy is.

Mr KING — Can we just go down that scenario of the road safety audit. If a council does a road safety audit and says that for safety purposes these trees are done, one of the options for the municipality is to use the exemption, as I would understand.

Mr MUIR — That is one option. Another option is to apply for a permit en masse. This has been done before where a shire applies for a range of clearing events over a range of roads across the municipality — in other words, they sit down with the DSE and work it through. I am aware of several situations where this has been done, and it is entirely possible to do within the planning system. In fact it is to be encouraged because it gives everyone certainty and avoids any additional administration. That can be done. Another option is to develop a code of practice which could sit within the Planning and Environment Act and essentially it would be agreed — and this has been considered in talking informally with VicRoads about this approach for pruning within a sort of maintenance envelope — that there is the opportunity to look at a code of practice for that sort of defined activity where a permit process would not be needed. So there is a range of options that can be used and in fact we are encouraging that sort of approach. As I said, the actual exemptions are proposed to be reviewed anyway, and to be examined in terms of clarity and so on. Again, I know that in the informal discussions with VicRoads we have been talking about how we would look at that code of practice approach and whether that should be promoted more widely and whether that is a workable solution.

Mr BISHOP — We are not completely aware of such a code of practice. Is that in place?

Mr MUIR — No, I am just saying that the planning system allows for a code of practice to be developed and that could be an approach where certain defined activities would not need to go through a formal permit process as long as they were in accordance with a code of practice.

Mr BISHOP — Would that code of practice perhaps involve safety? In fact if a municipality had a view there was a tree that needed to be removed, that it has got it sorted and everyone is agreed that from their perspective it should be removed, would you envisage that a code of practice situation?

Mr MUIR — I am happy to get more detail on this because I am not an absolute expert on codes of practice, but I understand that that could be used as the basis for a code of practice, yes. But it would have to be a specified range of activities that would need to be done in a certain way that could be a code of practice. Whether that then sat under the Planning and Environment Act or could be somewhere else, essentially what it would mean is that if works were being done in accordance with that code of practice then they would not need to go through a permit process. That is how I understand it. It would seem like a potentially good solution for situations where maintenance envelopes on roads have been identified and there needs to be ongoing work done every year and that sort of thing.

Mr BISHOP — So we do not know whether a code of practice would envelope, if you like, what we are charged with as a committee, which is roadside objects?

Mr MUIR — It could be a useful tool and it could streamline certain processes in particular situations.

Mr KING — The example I know of is for other utilities where there is clearing of vegetation and powerlines work being done, such as cable being laid by Telstra et cetera. I do not see why you could not look at a similar situation where there is a recurring activity and where an assessment is done for safety purposes. But there
is then a lot more detail that takes into account the local conditions and which says, ‘You can do these activities without going back to DSE or without any further permits’. It could be worked through.

**Mr BISHOP** — But it is unlikely, therefore is it, that a code of practice would be able to be a total approach to this whole issue we are talking about?

**Mr MUIR** — I am not quite sure what you mean by ‘total approach’.

**Mr BISHOP** — The issue is that municipalities have given evidence to us to say that it is a very difficult task to get what they consider an unsafe tree on a road removed for a number of reasons, and in some places they would be refused. You brought up the issue of a code of practice. We are interested in pursuing that to see if that will alleviate some of the difficulties municipalities put to us.

**The CHAIR** — What you need to appreciate is that at the end of the day we as a committee have travelled Victoria talking to councils. We are looking at crashes involving roadside objects, and numerous councils have said to us that there are trees that remain today that they consider unsafe, and that through DSE processes those trees remain. It is of great concern to this committee.

**Mr STONEY** — We have had evidence from professional engineers who have had a toe-to-toe stand-up argument with the local DSE officer about whether in fact a particular tree was safe or not. So you have got a professional engineer saying, ‘This is an unsafe tree’ and a local officer saying, ‘No, it is not’. He obviously holds the whip hand so the tree stays. When you get to that situation, the committee is quite concerned with the situation as it is now.

**Mr MULDER** — What is the background for the assessment when the local DSE officer turns out and has a look at a tree? Is it the same from region to region? Does he operate off a code of practice? Does he have a set of guidelines to work from?

**Mr MUIR** — They would generally be staff who would be skilled in native vegetation and flora and fauna issues. The basic sorts of issues that need to be assessed now are essentially spelled out in the government policy — the native vegetation management framework.

**Mr MULDER** — But that is interpretation; you are asking someone to interpret policy then. That is possibly one of the real reasons that we have got this conflict from municipality to municipality, where an individual interprets a policy differently from someone else in another municipality.

**Mr MUIR** — It is a little bit more specific than that. There are some specific aspects in the policy about how you determine conservation significance of a patch of vegetation or a tree. It actually tells you how to do it in the policy. It is perhaps unlike some policy in that it gets into some specific detail. Admittedly it requires some support tools, assessment tools, maps and so on, but the basic process and the criteria are spelled out here, so it is a relatively straightforward process. There are other issues that come to the fore in terms of some of the particular flora and fauna issues that might be considered to be an issue at a point. That is where some additional expertise might be required to make a call. Essentially the basic criteria are here. It is based on what the vegetation type is — that is mapped. It is based on the size of the tree and whether it is habitat for a threatened species. They are the essential characteristics.

**Mr MULDER** — From personal experience, having been through the process of seeing an environmental assessment on the roadside, I would say it is more argy-bargy than anything else — that is, ‘We will give a bit here; we will give a bit there’. One person contradicts someone else’s comments: ‘We will all agree to disagree and then come up with an answer.’ I cannot see how municipalities, particularly when you are dealing with road safety issues, can be expected to work with that type of interpretation and that type of an assessment process.

**Mr MUIR** — That may be a fair comment in terms of the past. As I said, the native vegetation framework and this approach for assessing conservation significance are not fully implemented yet, so we are going through a bit of a learning process collectively with local government about it. It certainly is about consistency, and there is a consistent set of criteria that can be applied relatively simply. The other thing to say is that there are rarely any must dos in the planning system. It is about achieving a balance in a range of activities. Safety is important and environment is important. That is the ultimate balance that needs to be struck, and that is what this policy is about as well.
Mr BISHOP — I will ask one more question to see if we can focus our minds a bit more. If in fact the municipality says, ‘This tree should be removed for safety purposes’, and DSE refuses, are you then liable under the act that is now going through the houses of Parliament?

Mr MUIR — I do not know the answer to that; I would have to check that. I do know that a local council has the right of appeal in that decision, like anyone, but in terms of the liability issue I would have to take that on notice.

Mr KING — Are you saying that if the road management authority wishes to do something for safety and some other party does not allow it to do that, does it transfer the liability or does the road management authority have the absolute power of veto and say, ‘Thank you very much. I have heard what you have said’?

Mr BISHOP — Yes. That is the exact question.

Mr KING — I do not know the bill well enough.

Mr STONEY — Could I up the ante a little bit? We have talked about a process where we might have a code of practice; the Shire of Strathbogie on 18 February said:

Councils should be exempt from the need to apply for a planning permit to maintain a defined clearance envelope, having an as-of-right ability to maintain a defined clearance envelope.

Would you like to comment perhaps that one of the solutions to this might be that there is an as-of-right ability to have a clearance envelope and then, after that, there is a process that should be followed, and probably quite rightly so?

Mr MUIR — That is a very constructive suggestion, and is the sort of issue that would be properly put to the review of the exemptions in terms of whether that is a standard approach that should be used statewide. Secondly, the approach in relation to their requests that they be exempt in terms of the defined maintenance envelope — as I understand it, that would be the sort of approach that you could use by writing a code of practice. A code of practice could specify that this activity is exempt so long as it is in accordance with the code of practice. The code of practice would specify what the maintenance envelope is. It may specify, for example, that it covers all roads in the Shire of Strathbogie, but not designated roads X and Y which are known to be important habitat for something or other, and maybe there are special cases. That is the sort of approach that could be taken. It was actually the Strathbogie example — I cannot remember the other shire, but it was another shire near there, I think — where these sort of issues were raised. That is why we are thinking about this very issue.

Mr STONEY — I think it was Benalla.

Mr MUIR — Could have been.

Mr STONEY — But in reality, what would be the likelihood of something like that ever coming into being, given the environmental pressure. You can talk about it and it sounds good, but in reality do you think councils and VicRoads would ever get an as-of-right to just clear each side of the road?

Mr MUIR — I cannot really comment on that in terms of whether it would get up or not, other than to say that I think it is a very constructive approach and it should certainly be considered. It is the sort of approach that would be consistent with the sort of general streamlining, flexible approaches that are in the framework and related documents.

Mr MULDER — Is the DSE aware of any councils that remove vegetation without permits; and what action would you take if that was the case?

Mr MUIR — Yes, I believe there have been examples of that.

Mr KING — For road safety purposes on roads, or in general?

Mr MULDER — Road Safety.

Mr MUIR — In respect of road safety, I am not aware of any cases. That is not to say that there have not been any.
Mr MULDER — What about an issue such as a roadside tree that drops into a property, onto a farmer’s fence, and bowls the fence over. At this point in time is he not allowed to remove that without a permit?

Mr MUIR — Not allowed to remove it before it falls over?

Mr MULDER — After it has fallen over and landed on the fence.

Mr MUIR — It is still alive?

Mr MULDER — It has dropped into a farmer’s property. We have a situation where it has actually happened, it has dropped into a farmer’s property and the farmer has been advised that he is not allowed to remove it without a permit.

Mr MUIR — That would be covered by an exemption, a rural activities exemption, which allows removal of the minimal extent of vegetation necessary to construct or maintain a fence — a range of rural structures but a fence now. There might be some disagreement about what is the removal of the minimum extent necessary.

Mr MULDER — Is a permit required?

Mr MUIR — No.

Mr MULDER — Not if the fence — —

Mr MUIR — As I am saying, in terms of defining the exemption there might be some disagreement about whether the whole tree needs to be removed or whether just the section that has fallen on the fence needs to be removed. Certainly the exemption is reasonably clear, but it is fair to say that that is another one that could be better clarified. If there is to be a review of the exemptions, it would be good to clarify those things because the intent is clear but often the specifics are not.

Mr STONEY — There is an anecdotal story that a farmer had to get permission to remove a tree that had fallen on a fence and was then charged a royalty by a local DSE officer on the timber because he had used it for firewood, so he was not happy.

Mr KING — Just to make a comment: we talk about when is a tree dead, but it does not have to be dead to be firewood. When it turns out to be firewood, royalty is payable to the Crown.

Mr STONEY — Even if it has broken his fence?

Mr KING — Unfortunately, yes.

Mr LANGDON — It might be deducted from the cost of repairing the fence?

Mr MULDER — Or the cattle that were hit by the car?

Mr KING — Let us hope there would be a reasonable approach; that people could actually talk about it, and the safety of the stock behind the fence would be of paramount importance in getting the fence restored, particularly along the roadside. There are royalties and there are areas where firewood is extremely scarce and anything that looks like it could be burnt is cut down at the edge of the road as well — by domestic gatherers I suppose you would call them.

Mr MULDER — I have an inspector of police in my region of south-west Victoria. He has advocated very strongly for the removal of that type of vegetation you see on the overhead on road reserves and its replacement with a safer type of vegetation. He is pushing for that to be trialled in different areas. Given the number of roadside deaths we have come across through this committee hearing, all about vehicles that leave the road and hit a tree like that, someone will be killed immediately. He is advocating very strongly for a change in the type of vegetation along roadside reserves. Have you got any comment on that at all?

Mr MUIR — Only that, as I said, government policy is in the first instance about retaining vegetation, particularly where it is of higher value — and there is clear criteria for establishing whether it is of higher value in relation to its conservation significance. The basis of those criteria includes very much the mature characteristics of the vegetation, so if it is a treed vegetation type, in general the trees would be seen as a very important part of that,
so I doubt that that would really be consistent with government policy. However, there certainly needs to be a balance between safety and vegetation. Having worked a bit with VicRoads on a few issues I know that there are solutions to this problem, other than just removing vegetation — for example, roadside barrier fencing and that sort of thing, which they have certainly been keen to entertain when obviously a tree or a stand of vegetation has been assessed of being of high value.

Mr KING — Our interest in that case, using the photo that is there, would be in the nature conservation value of the remnant vegetation. If it were removed and replaced by other native vegetation, you are not going to replace the nature conservation values. You would be doing it for some other purpose and I presume that would be advocating what I, as a forester, would call the planting of a shrub-type vegetation so that it was smaller and stopped a vehicle that had gone off the road — retarded its speed rather than stopped it there and there at the edge of the tree.

Mr STONEY — What is the attitude of the DSE to long-term conservation and the environment versus maintaining the status quo? Is it prepared to look at a longer-term plan where the trees are brought back from the edge of the road rather than just maintaining the status quo as long as possible?

Mr KING — I think that was covered by Adam’s response on this envelope idea; that it is a constructive idea that we could have a look at. I would see that as taking a longer-term and proactive approach, rather than leaving it to — —

Mr STONEY — So you might bring that into some sort of code of practice in the future?

Mr KING — It could be a code of practice; it could be an associated plan in the planning scheme; or it could be an agreement between the DSE and the municipality. It could even — if it could be statewide based or regionally based — cover a number of municipalities.

Mr MULDER — I will just ask a further question of Adam. Where you have a rail reserve running parallel to a road and road reserve, who normally picks up the responsibility for the fencing if there is a native vegetation retention process in place? It is a rough question, I agree.

Mr MUIR — It is. The road situation might be generally fairly simple, but the rail situation is rather complex, as I understand it. I would have to take that question on notice. I think it would depend very much on who the rail land manager is.

Mr MULDER — Could you get back to me on that please?

Mr MUIR — That is the fencing between the road and the rail reserve?

Mr MULDER — Yes, with respect to the fast rail project that is running from Ballan through to Ballarat at the moment, fencing is being put up between the road reserve and the rail reserve. I am just trying to work out who is responsible for that and who tendered that work out. It is there to protect native vegetation on the rail reserve.

Mr MUIR — Yes, sure.

Mr BISHOP — I would like to come back to the code of practice. It is obvious that the committee has a lot of evidence that suggests that there is either a bureaucratic approach from the DSE or an interpretation change approach where we cannot get consistency. We have not heard of the code of practice before, and that disturbs me because of the weight of evidence we have heard. Therefore would you comment: can this committee be assured that in fact DSE will move towards a code of practice which would simplify across Victoria the safety mechanisms and the access mechanisms on our roads, particularly in country areas?

Mr MUIR — Yes, I can look into whether it is something we have formally proposed. I will have to look into that.

The CHAIR — Perhaps we can help by considering a recommendation along those lines as well when we put our report to government.

Mr BISHOP — I will not say anything more about that.
Mr KING — It would be beneficial to clear up the interpretation issue. If it could be more geared towards regional needs or local needs, something of a statewide basis may have the same interpretation issues as a statewide policy.

Mr BISHOP — That is agreed, yes.

Mr KING — Perhaps if you look at those regional or local variations.

Mr MUIR — I would also suggest that when the review of exemptions is formally announced that will provide an opportunity to look at that issue in terms of resolving it structurally; and if a code of practice approach was to be considered, it would be a good opportunity to look at whether that should become a state-wide approach written in as an exemption — that sort of thing. You may like to consider that.

Mr BISHOP — Can I ask when that is?

Mr MUIR — I do not know. It has not been announced yet. All I can tell you is that the Minister for Environment indicated late last year that there would be a review of the exemptions. I think it was indicated that it would be this year, but certainly to be in the near future.

The CHAIR — If there are no further questions, we thank you, Ken, Ross and especially Adam, for being in the hot seat this afternoon. We appreciate your time and input, and we will provide DSE with a copy of the transcript in due course.

Committee adjourned.