

TRANSCRIPT

LEGISLATIVE COUNCIL ECONOMY AND INFRASTRUCTURE COMMITTEE

Inquiry into the Increase in Victoria's Road Toll

Melbourne—Tuesday, 8 September 2020

(via videoconference/teleconference)

MEMBERS

Mr Enver Erdogan—Chair

Mrs Bev McArthur

Mr Bernie Finn—Deputy Chair

Mr Tim Quilty

Mr Rodney Barton

Mr Lee Tarlamis

Mr Mark Gepp

PARTICIPATING MEMBERS

Dr Matthew Bach

Mr David Limbrick

Ms Melina Bath

Mr Andy Meddick

Dr Catherine Cumming

Mr Craig Ondarchie

Mr David Davis

Mr Gordon Rich-Phillips

WITNESSES

Mr Dan Kneipp, Chief Executive Officer, and

Dr Marilyn Johnson, Research and Policy Manager, Amy Gillett Foundation.

The CHAIR: Welcome to the Economy and Infrastructure Committee's public hearing for the Inquiry into the Increase in Victoria's Road Toll. I wish to welcome members of the public that are watching via our live broadcast. My name is Enver Erdogan, and I am the Chair of the committee. I would like to also welcome my fellow committee members that are present here today—Mr Lee Tarlamis, Mr Rod Barton, Mr Mark Gepp and Mr Andy Meddick—who are also on the live broadcast.

To all witnesses, all evidence taken at this hearing is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Council standing orders. Therefore the information you provide during this hearing is protected by law. However, any comment repeated outside the hearing may not be protected. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament. All evidence is being recorded. You will be provided with a proof version of the transcript following the hearing. Transcripts will ultimately be made public and posted on the committee's website.

We welcome your opening comments, but I ask that they be kept to a maximum of 5 to 10 minutes to allow plenty of time for discussion. Can I please remind members and witnesses to mute their microphones when not speaking to minimise any interference. Could you please give your name for the benefit of the Hansard team and then begin your presentation. Thank you.

Mr KNEIPP: Thank you, Chair Erdogan and the committee, for the opportunity to appear today. My name is Dan Kneipp. I am the CEO at the Amy Gillett Foundation, and I am presenting today with my colleague Dr Marilyn Johnson, who is one of Australia's leading cycling safety researchers. She is our Research and Policy Manager and a senior researcher at the Institute of Transport Studies at Monash University, where she co-leads the Active Transport and MicroMobility Research Group.

The Amy Gillett Foundation, or AGF, is Australia's leading cycling safety charity. Our mission is for safe cycling in Australia. Our vision is for zero cyclist deaths and a reduction in cyclist serious injury crashes. We champion an evidence-based approach to safe cycling, we support research, we create education programs and we advocate for safe cycling. AGF was born out of the tragic death of Amy Gillett in 2005. She was training overseas as a member of the Australian women's cycling team. A young driver who was out of control of her car crashed into Amy and her five teammates. Amy was killed. Her teammates suffered horrific injuries, which still have an impact 15 years later. This is an example of the preventable trauma on the roads that happens regularly to people when they are riding bikes in Australia. Every day 20 cyclists are hospitalised in Australia with a serious injury, like a fracture or a brain injury. A cyclist is killed every 10 days. These deaths are preventable. But these crashes do not just impact cyclists; they impact heavily on drivers. Most crashes where a cyclist is killed or seriously injured involve a motor vehicle. That means for most cyclists in trauma crashes there is a driver involved who lives with an emotional and mental health impact that can last for decades.

We are currently experiencing very unique transport challenges and opportunities due to COVID-19. According to the current *Victorian Cycling Strategy*, which was published in December 2017, almost two-thirds of Victorians who were interested in cycling or curious about cycling did not ride because of concerns about safety. Before COVID-19 approximately 640 000 Victorians regularly cycled, but during COVID-19 we have seen the number of people cycling skyrocket. Many people who were too concerned before about their safety are now riding during lockdown, and AGF estimates that there are over 1 million Victorians cycling regularly. What we are seeing around the world is many countries having a similar cycling boom and taking this once-in-a-generation opportunity to rethink how we live, particularly in local communities and on local streets, by trialling separated bike lanes, wider footpaths and lower speed limits. The City of Melbourne has shown valuable leadership in implementing temporary bike lanes, but this is just the start, and it is only scratching the surface. We have the opportunity to do more now, particularly to make our local streets safe.

In May of this year the Amy Gillett Foundation commissioned YouGov to conduct a national survey to understand Australia's public attitude towards transport during COVID-19. The key findings were: 89 per cent, nearly nine out of 10 Australians, support investment in temporary separated bike lanes—nine out of 10 Australians usually cannot agree on anything—and 75 per cent of Australian drivers would be more comfortable if cyclists had their own separated bike lane. Support from drivers was highest in rural and regional areas.

Since we made our original submission to this inquiry at the start of the year the world has changed, and we welcome the opportunity to present today. Our submission and presentation to this inquiry are focused on five key safety areas. The first one is A Metre Matters—minimum passing distance road rules in Victoria. The second one is 30-kilometre-per-hour default urban speed limits. Item 3 is separated cycling infrastructure. Item 4 is education for truck drivers. Item 5 is education for novice drivers. AGF's work in these areas is diverse and includes over a decade of research and advocacy work on Australia's minimum passing distance laws around the country. We have developed and currently deliver Sharing Roads Safely, vulnerable road user awareness training for heavy-vehicle operators, particularly truck drivers. And with novice drivers, in Australia we do not teach new drivers how to safely interact with cyclists. AGF was a partner in Cycle Aware, a major study funded by the Australian Research Council that developed content to address that gap.

We note that Dr Johnson presented to this committee in 2016. The committee's recommendation to amend Victoria's road rules to specify a measurement of safe cyclist passing distance relative to road speeds was not adopted by the Victorian government. Instead an education campaign was conducted. At the time, in 2016, A Metre Matters rules were already legislated in Queensland and South Australia. Since 2016 minimum passing distance has become law in New South Wales, the ACT, Tasmania, the Northern Territory and WA. there is broad community support in Victoria for amendment to these road rules, including from RACV. Victoria remains the only state that does not have minimum passing distance road rules.

My colleague Dr Marilyn Johnson will welcome the opportunity to answer any questions the committee has. I will now pass back to the Chair. Thank you.

The CHAIR: Thank you, Mr Kneipp. I am sure my committee members are quite enthusiastic about asking Dr Johnson a few questions; I have got a few of my own. But I might start off with Mr Gepp, so he can go first.

Mr GEPP: Thanks, Chair. Thanks, Mr Kneipp and Dr Johnson. Firstly, can I begin by congratulating the foundation. You have done some magnificent work over a long period of time now, born out of a very tragic set of events, and we all know the circumstances around that, so congratulations to the foundation for the work and the advocacy that you do, and long may it continue.

We have heard from all manner of different groups throughout this inquiry—we have heard from cyclists, we have heard from walkers, we have heard from motorcyclists, we have heard from motorists—and my concern with all of these things is that because there are just so many different competing perspectives it is hard to land on a spot that will do the most good, that will have the biggest impact across all of the road user groups. That is so necessary. Dr Johnson, is it the foundation's proposition that out of the five approaches that Mr Kneipp outlined the A Metre Matters rules—without discounting the other four things—are the thing that you believe will bring the biggest impact to a better road user situation in Victoria?

Dr JOHNSON: Thank you so much for the question. The simple answer is yes, it is the most important action, simply because we know that although separated infrastructure is incredibly important—and so are reduced speed zones in residential areas particularly—one of the reasons why in 2009 the Amy Gillett Foundation even started the campaign around minimum passing distance is because that creates a safe space for every cyclist on every road. So it really does not matter if there is a piece of infrastructure going in in one area in a city; if it is not happening in another, that protection is not being provided. What minimum passing distance does is it is just simply an amendment to the road rule to include a policy position that was already there. It was already in the guidelines and in the driver handbook to say, 'Give the cyclist at least a metre', so it is just providing that safe space around every cyclist on every road. That is why it is the most important action. But you are right; it does not diminish the value of all of the other four key actions that we think are also important.

The CHAIR: Thank you. Dr Johnson, you might have your speaker a little bit loud. Maybe that is why we are getting a bit of feedback. I might pass over to Mr Meddick to ask a question, if he has one.

Mr MEDDICK: Thank you, Chair, and thank you both. May I echo Mr Gepp's congratulations on the work of the foundation. It has been extraordinary. I want to focus on just a couple of different areas, the first of which is that I want to immediately offer my complete understanding and support for the 1-metre and indeed the 1.5-metre rule as well. Like Mr Gepp and like Mrs McArthur, who will talk in a minute or two, who have a special connection with this, regional roads present a particular problem where cyclists' interaction with vehicles is concerned. There is often, unfortunately, a lot of animosity directed towards cyclists out on regional roads, particularly when they are travelling in larger groups. Patience is a virtue which often flies out of the window there, unfortunately. Should we be able to introduce and pass legislation around those meterage rules, and I sincerely hope that we do, I think there would need to be a very significant education program on both sides as to what that means and the reasons why so that people then can perhaps get rid of some of that animosity and understand it.

But I really want to focus on the reduction in speed limit in residential and urban areas down to 30 kilometres an hour. It seems that there would be perhaps a certain amount of resistance from certain circles to go from 50 kilometres an hour down to 30—a 20-kilometre-an-hour reduction. I bear in mind that our speed limits around school zones, for instance, are 40, admittedly for a very short period of time. But we have heard a number of witnesses across this inquiry talk about, 'Let's even that out. Let's make all 50-kilometre zones 40 kilometres'. I understand your reasons for wanting a 20-kilometre-an-hour reduction. If it was 40 kilometres an hour, that would mean then there was no need to introduce school zones at particular times of day, so there would be a complete understanding by all road users that no matter what the time of day this is the speed limit in urban and residential areas—40 kilometres? Is that an acceptable outcome for you?

Dr JOHNSON: The reason for the 30 is based on the science. So purely from a physics perspective, once you hit someone at over 30 kilometres an hour, they have a much higher likelihood that they will be seriously injured, and for those people that are physically at the more vulnerable end of the spectrum, particularly much younger people and older people, then those crashes at low speeds can be fatal.

So certainly in residential areas, as we have seen through COVID, this is where people are allowed to walk, and riding is another approved activity outside. So in an hour outside every day we are kind of only in our local streets; that is where we all are, and it is a matter of bringing down those speeds from 50. So while ideally it is 30 kilometres an hour, because then obviously it does not lead to a serious impact or death, any reduction would certainly be welcome.

Mr MEDDICK: Great. I have one other question, and it comes to where you are talking about the gap in education in undergraduate engineering degrees around road design—that it does not take cycling into account in that respect. You quote the Designing for Pedestrians and Cyclists course run by Transport and Main Roads in Queensland—that that could be adopted nationally as a model. Are you able to forward that to the committee so that we can actually read that and take that into account? I think that would be a very helpful document.

Dr JOHNSON: Yes, absolutely. I can do that.

Mr MEDDICK: Thank you very much.

The CHAIR: Thank you. Mr Barton?

Mr BARTON: Thank you, Chair. Congratulations on the work you do. You do marvellous work, and I agree with my colleagues that it is very important. The 1-metre rule and the 1.5-metre rule—have you got data to support the changes which have been made in law in the other states compared to what is happening in Victoria? Are you able to speak on that—how we are performing, for instance, or how badly we are performing?

Dr JOHNSON: There is certainly data available on the effectiveness of minimum passing distances in other states and those changes that have happened, and most of that research has been done by the centre for automotive road safety research—I think I have got that acronym wrong; apologies to everyone who is at CARRS-Q at Queensland University of Technology. They have done most of the evaluative research.

We have also conducted research here in Melbourne, where we have done trials and actually measured the passing distance of cyclists who have been riding along roads all across Melbourne. What we have done is we have measured that distance between the cyclist and all motor vehicles that pass them on the right. So we have developed a device that uses an ultrasonic sensor to measure that lateral clearance distance to the right, and what we found was that—it was a metropolitan Melbourne study, so apologies there is not data that we have collected through that study in regional areas—the places where cyclists were being passed most closely were those locations where they were in a bike lane travelling next to a parked car on their left. So it is really those locations that are the tightest squeeze for cyclists that drivers are not allowing enough space on the right, and it is probably partly due to the road design. That is where this conversation is much bigger than just the behaviour between the cyclist and the driver. But what we are seeing in the way that roads are being designed is that quite often what happens is that painted lines are put next to parking bays and then it is just expected that the person riding the bike and the person driving the car will be able to work it out, when really there is just not enough space on the road for both.

What the minimum passing distance change does is create that awareness that cyclists need space, because really the question that it raises when we do not allow cyclists enough space is, ‘How much space is enough?’. Some of those speed zones can be 70 kilometres an hour, and 20 or 30 centimetres between your car and a cyclist at 70 kilometres an hour really is not a safe distance.

Mr BARTON: Thank you.

The CHAIR: Thank you. I had a couple of questions myself—a bit trickier. First of all, again you are doing fantastic work in your advocacy for the sector. Obviously, being a member of this committee I have been getting different perspectives from road users in terms of the vehicle, motorcyclist and pedestrian angle; there have been a number of presentations. Today I noticed that Victoria Walks made a point about the need for separation between cyclists and pedestrians and that cyclists pose a hazard for pedestrians, especially the elderly. I do have a question because I know that you are doing a lot of programs on education for truck drivers on vulnerable road users. Is there more education needed for cyclists and also, as someone that walks quite regularly, around enforcement of the road rules for cyclists? Because for motor vehicles, when they are doing the wrong thing, you can usually get their registration and report them. At the moment, conversely, when a cyclist does the wrong thing, it is very hard for drivers to identify the cyclist. I know it is something that frustrates many in the commercial passenger vehicle industry, for example—cyclists not necessarily complying. Is there something that needs to be done from a policy perspective on that angle?

Dr JOHNSON: Yes. I think it is a really common argument that is raised about the role of cyclists and them not being compliant, but I think what is often missing from that discussion is that not every driver is doing the right thing on the road. Whether that is creeping over the speed limit or going through the end of an amber light phase, whether it is not giving enough time before people are indicating, I think there are people on the road who think that they can nudge the rules and that is okay. I think that for those people it does not really matter what mode they are in—whether they are driving, they are cycling or they are on a motorbike; I think it happens across all modes. I just think there are some people who think it is okay to do that. So is there a role for education for cyclists as well? Absolutely, definitely. But is it just cyclists who that needs to be focused on? No. It is everyone who thinks it is okay. I think that is where it falls down—when we have an expectation of someone else’s behaviour on the road, because we know the rules, and they act in a way that is deviant to that—and that is the issue, regardless of whether they are car drivers or cyclists.

To that point, one of the biggest issues for cyclists on the road is drivers on mobile phones. So probably one of the biggest risks to cyclists is someone who is not paying attention, even for that split second, if that means that they are not giving enough indication before they turn or, equally, if someone is distracted in their car and they open their car door. So I think it is much broader than just one group. I think it is people generally across the population, which does not answer your question really directly, but it also raises just how difficult this is.

Mr KNEIPP: And can I just add to that, Mr Erdogan. When you are talking about pedestrians and cyclists—coming back to Mr Meddick’s question as well about patience—for a lot of those frustrations and a lot of that anger that is being directed between the two groups, usually there is an infrastructure problem. It is not cyclists and drivers that are angry at each other; it is something that has happened where the road has been very poorly designed and the cyclist is forced into a small space, and it makes the driver very nervous and makes the cyclist worried about their position. You do see similar things as well where cyclists and pedestrians

are put together in a way that is not helpful for either group. So I completely understand that there are situations, but usually it is infrastructure that needs to be fixed.

I was just touching on one study that Dr Johnson had looked at actually, that looked at cyclist behaviour, and 93 per cent of them were following the law. It was a red light one, but it is very visible. When you see a cyclist going through a red light, there are a lot of people sitting there watching, and it is frustrating to see. So that 7 per cent of cyclists in that situation—yes, absolutely—need education on it. But like Dr Johnson says, that is the same in every traffic group, and 93 per cent are following the law. It seems a lot more, and part of that frustration I think can come across in that area.

The CHAIR: I know. Thank you very much for those comprehensive answers, and obviously we all understand that the risks of a vehicle hitting a cyclist are a lot higher, in terms of the human impact, than the other way round, conversely. So I understand that. But I appreciate that; I just thought I would ask a different question from what you usually expect. From me that is all actually. Do committee members have any other questions? Mr Gepp.

Mr GEPP: Just a comment, Chair. I think just that last question and response sums it up for me. I mean, I think the difficulty with this sort of inquiry of course is that often what we do is we try and apportion blame. We try and look for the lowest common denominator in terms of poor behaviour, whether it is a cyclist, a walker, a motorcyclist or somebody behind the wheel of a vehicle, truck or car. There are always going to be people who will disregard whatever the circumstances are. That is why I asked the question that I asked. If the meter matters, if that is the thing that is going to have the greatest impact, then I think for me we have got to advance that. But that is my frustration, I guess, with this sort of inquiry—that we do often target the lowest common denominator. I think if we could just say to everyone, ‘Just be patient; we’ll get there. Another 10 seconds won’t matter. If you rush, it could matter for the rest of your life’—

Dr JOHNSON: If I can just jump in, that is definitely something in the opening comments that Dan made around the Sharing Roads Safely program that the foundation runs—very, very strongly based on the Safe System approach. So this is training heavy vehicle drivers to be more aware of vulnerable road users. The underlying premise of the Safe System principles but also of the course that we have adopted with that is that people make mistakes. And that is all it is. We have truck drivers who can come in and be very defensive that we are going to point the finger and blame them. That is not what it is about. It is just giving them a greater awareness of what it is to be a vulnerable road user on the road around them when they are driving trucks. But it is the fact that the cyclist will make a mistake—or the pedestrian will, or the truck driver will—and those outcomes can be catastrophic. So very much it is about people making mistakes, but there is a responsibility to build a safe environment so when those mistakes occur people are not killed or seriously injured. So that is definitely the approach that we have gone for.

Mr GEPP: Indeed. More strength to you.

The CHAIR: Thank you. The committee now need to go to our lunch break, but before we do that, on behalf of the committee I would like to thank the Amy Gillett Foundation, and especially you, Mr Kneipp and Dr Johnson, for your work and research. I enjoyed reading your submission, and thank you again for presenting to this committee. I know it is the second time. It is great to see your passion and advocacy continue. May it continue for long after this committee. On that note we will go to our lunch break for 1 hour, and I will see all of the committee members at that stage.

Dr JOHNSON: Thank you so much. Thanks, everyone.

Mr KNEIPP: Thank you.

Witnesses withdrew.