

# 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

## WITNESS

Mr Andrew O'Brien.

**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 who are watching via the live broadcast. My name is Enver Erdogan and I am Chair of the committee. I would also like to acknowledge my fellow committee members that are present here today: Mrs Beverley McArthur, Mr Mark Gepp, Mr Tim Quilty, Mr Andy Meddick and Mr Rod Barton, who are also online.

To all witnesses: all evidence taken at this hearing is protected by parliamentary privilege as provided by the *Constitution Act 1975* and 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 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. If you have any technical difficulties, please disconnect and contact the committee staff using the contacts you have been provided. Can you please give your name for the benefit of our Hansard team, and then begin your presentation. Over to you, Mr O'Brien.

### Visual presentation.

**Mr O'BRIEN:** Thank you. I am Andrew O'Brien. I have been involved in traffic and road safety now for some 50 years. Could I go on to my presentation statement there. You can see the first screen. Can I have the second one, please, the second slide. Thank you. Firstly, as I say here, I do not blame politicians for the failure of the road safety policy in Victoria and missing the *Towards Zero* targets. You only act on the advice which are provided. Unfortunately the departmental structure as it stands does not suit getting the best advice and the deskilling of the authorities who are responsible for road safety has contributed greatly to this problem. It has been happening since the mid-1990s. I refer you to the two diagrams that Robert Morgan submitted with his response to questions, and I think that is something which should be carefully looked at outside of my presentation.

Firstly, TAC is not set up for road safety policy. It is not apparent that it has the necessary in-house skills. There are nine directors. One is responsible for road safety and none of the directors have engineering qualifications. TAC and VicRoads are relying too heavily on MUARC, and MUARC is not performing and contributes to the groupthink approach to *Towards Zero*. Can we go to the third slide, please.

So how are we progressing? The five-year fatality average is flatlining at about 250 fatalities per year and not reducing. Serious injury crashes have increased by 18 per cent in the last four years. This compares to the aim, which was to reduce serious injuries by 15 per cent. The MUARC 57-page report does not mention serious injuries in its discussion, reminding me of 'Don't mention the war'. Raising it would highlight a total failure of the *Towards Zero* and Safe System approach. I have put the little table in there, which is fatalities to date this year. Change from average: they are down 21 per cent in the metro area, 8.7 in rural and down overall by 14.5.

An estimate of the amount of traffic reduction which has occurred in that period in the metro area is that it is down by around 30 per cent and the lives lost is only down by 15 per cent in total. Can I have the next slide, please. We see that here on the left is the graph. The top line is the total serious injuries. The red dashed line under that is the Victorian population, and you can see that that is rising; and the thin, blue line is at 2015—so three-quarters of the way to the right, a vertical line—that is when the start of the policy came in. You can see that everything has gone uphill from there. The urban area crashes have increased compared to population. The rural area has increased markedly compared to population. Looking at the growth areas—I have used the five outer municipalities—the growth areas have a 56 per cent increase in serious injury crashes compared to a population increase of 22 per cent. So the argument being put forward by TAC and by MUARC is just unsustainable.

As I said, their idea was that this was all due to this unprecedented increase in population. I have been through that and the effect that that would have had, compared to projecting the past increase in population. It would have lifted the target by 3 per cent to around 206 fatalities and a reduction to 12 per cent in serious injuries. That report goes on:

Investment in road trauma countermeasures needs to increase at much higher rate than travel to offset this.

Well, that is the only justification of that statement. I cannot find anywhere where they have provided any analysis for that. The failure is serious injury crashes have increased in the metro area, the metro growth area, and in rural areas at well above the excess of population and traffic growth. Population and traffic growth are assumed to be fairly close together. In the inner parts of Melbourne I believe there has actually been a decrease in traffic growth.

Can I have the next slide, please. Looking at what MUARC has been providing in this arena in road safety, the evaluation of the 30-kilometre speed limit trial in the City of Yarra, in Fitzroy, is a great example of spin. The report states there was a modest reduction overall but that was too small to be statistical. It also says there is a 25 per cent reduction in travelling above 50 kilometres an hour. That reduction was from 0.4 per cent exceeding to 0.3 per cent, which in change of percentage is 0.1 of a per cent, not 25 per cent—which is a true statement if you look at 0.4 reducing to 0.3 but is absolutely meaningless. The study itself showed that those lines where it says ‘percentage change’ on the left-hand side there should have been ‘change in percentage’, and if they were, those changes would be, as I have shown there in red—minus 2.3, minus 1.5, minus 0.1. And in the adjacent control area where they had no speed limit change the reduction was actually slightly greater than in that area. So the control area had a greater reduction. They said, ‘Oh, that must be due to people in that area thinking they might have been part of the experiment’—again, a totally unjustified and unjustifiable statement.

Can we go to the next slide, please. Of course it shows what the outcomes were here. It has gone from—those two green lines, one across the top, one vertical—when the speed limits were at 40, 5 per cent of people were exceeding the limit; with the speed limit at 30, 32 per cent were exceeding the speed limit. Who is going to enforce that sort of change of driver behaviour? Are we going to have speed cameras in 30-kilometre zones to enforce that? It is just an unrealistic assessment of what the trial was about and what the outcomes are. There is no mention of the fact in that report that we now have got 32 per cent exceeding the speed limit.

Could we go on to the next slide, which is the Auditor-General’s report and some comments in that. VicRoads and TAC could not assure us of the most effective way to identify and prioritise roads for treatment. It stated:

There were no existing external guidelines for VicRoads to refer to and it had no internal process to review ... its selection approach.

Those guidelines have existed for at least 50 years, and they had been used continuously up until at least the coming in of the Safe System approach to life. The exposure is what is required in making those sorts of assessments. The Auditor-General’s report goes on a bit further down there, which is in blue text:

There are valid reasons for using... rates per 100 kilometres ...

Well, again, that is not correct. You need to have the amount of travel on those 100 kilometres of road and you adjust for that.

In a general comment in conclusion, Morgan’s response to the committee questions has my total support. Safety in Victoria will not improve under the current *Towards Zero* approach, with the current organisational structures and the limited group-think mentality being applied to safety.

These are the two graphs that I was referring to. I will not take those any further, but this really sums up the institutional problems that we have. Thank you, that is the end of my presentation.

**The CHAIR:** Thank you, Mr O’Brien. That was quite a different perspective from some of our other presenters before the committee. I might start off with Mr Gepp to ask the first question, then we will go to Mr Quilty, then Mr Meddick and so on. Mr Gepp, do you want to go first?

**Mr GEPP:** Thanks, Chair. Thanks, Mr O’Brien, for your presentation. One question that I have. You have told us what you believe is wrong with TAC, MUARC and the Safe System approach and suggested that what has been put forward has been spin. What is the fix in terms of reducing the road toll here in Victoria, both from

a fatality perspective but also from an injury perspective? So if the TAC, MUARC and Safe System approach is the wrong approach, what is the right approach that we should be taking?

**Mr O'BRIEN:** You substitute some of what you are doing in that for some more of what I would call a road safety engineering approach, which has been something which changed the situation from the 1970 road toll at over 1000, by bringing in things like seatbelts. What is the problem? It is people being thrown around in a vehicle and being injured and killed—put in the seatbelts. That was the sort of approach, and that has happened with the alcohol issue. What we now have is a problem where people in the authorities are not allowed to get the right sort of information out of those authorities. I still have quite a few colleagues who are in those situations.

Truck crashes are a major issue, but there is nothing in the spin that is coming out to say, 'This is an area we've got to address', because it does not fit into the Safe System part. There are other ones with speeding where we know that the current equipment on the Monash Freeway, and I think on one or two of the others, can actually detect speeding vehicles. We cannot do that; we are not allowed to do that. They have had recorded vehicles through those camera systems going up to 200 kilometres an hour. They are the sort of people that the approach needs to come down extremely hard on. Things like, as Morgan said, getting speed controls—I am trying to think of the right word for it—so that any vehicle they drive cannot exceed a certain speed, such as 120 or 130 kilometres an hour. That is the sort of thing which will deter the sorts of problems and one of the issues that occurred on the Eastern Freeway with the multiple fatalities involving the police.

Again, coming back to trucks, the other one is weather. The worst time for crashes is, as I understand it, in the first 10 minutes of rain on a road. Do you see any advertising coming out of the TAC saying, 'Here we have a strategy. We want people when the rain starts to ease up, because that is when the roads are greasy'? After that they are wet and they have much better traction. So they are the sorts of things which I think are at their end. In the administrative sense, the organisational one is that senior management down to a reasonable level need to have some idea about what the industry is, because we have content-free management. I have clients still occasionally in VicRoads, they do not know even who to go to to get advice—and these are at a fairly junior level—because people above them now no longer know who the people are with expertise in the field.

**Mr GEPP:** Thank you.

**The CHAIR:** Thank you, Mr O'Brien. I might pass over to Mr Quilty, then Mr Meddick.

**Mr QUILTY:** Thank you. I have to start off by saying that I agree with your submission. I did not find anything much in there that I disagreed with. I think you are right on track with everything. Do you think we should collect better data on crashes, and how should we go about doing that?

**Mr O'BRIEN:** Okay. There would be very simple ways with modern technology of picking up a lot of that. Police attend a crash which has got injuries involved, particularly ones involving hospitalisation, but even having injured people there it would probably take several minutes of their time with the right piece of machinery—like a video camera or something similar to that—to actually get enough data to be useful in a crash report. The other area would be to integrate that with insurance companies. Two people have a bingle, it goes to insurance companies, and they have to basically explain what happened in the crash. That could all be done simply. The problem we have at the moment is there is so much bad data in there.

Someone has hit a kangaroo on the road. It goes down as a single vehicle crash, not to do with having struck an animal on the road, just as a single vehicle, no other vehicle involved, and the police report may state that it hit an animal, but it does not come out in the statistics in the same way as you would expect. Now, 'vision zero' does not include teaching kangaroos not to go on the road, but you have got to do something which might be a little bit smarter than those things.

**Mr QUILTY:** Thank you. All the time I see speed limits going down, and the mantra is 'speed kills'. Are there roads that the speed limit should go up on, do you think?

**Mr O'BRIEN:** Look, I think the first thing that should be done is to reintroduce 70 kilometre-per-hour speed limits and 90 kilometre-per-hour speed limits. I use Barwon Heads Road quite a lot. It has got speed limits in different directions, because they have not fixed them since the roadworks four years ago. Barwon Heads Road would be a candidate—and most of the roads down on the Bellarine and a lot of them on

Mornington Peninsula would be great candidates—for 90-k speed limits instead of 100 and instead of having 60-k speed limits where they should be 70-k speed limits.

They were all brought down to simplify the system. The area that needs to be simplified is the 40-k zones, which have 15 different hours in which they operate, or some number like that. Warrigal Road and Batesford Road is 40 k's, 8.00 am until 8.00 pm, Monday to Saturday, but not Sunday, enforced by speed camera. I think it is the second-greatest intersection camera for generating funds.

At the shopping centres it is 7.00 am until midnight, sometimes 6.00 am until midnight, 8.00 am until midnight, 8 until 11, and all these sorts of things. If it was just 40 k's all day, all night, every day, paint the number on the road, the same as they do in Sydney and in Auckland and in other parts of New Zealand, then that would simplify the system. People would have no reason for complaining.

Just on that again, Toorak Road, Toorak Village, has a 40-k speed on it, and Toorak and the Como, down in that area, also has a 40-k speed limit. In between there is no commercial activity, but the 40-k speed limit still exists. That is totally wrong compared with how you would expect people to drive based on what you see around you, what the conflict is. There are almost no pedestrians that cross the road through that area, except at the traffic signals. In the shopping centre there are people everywhere, and that is where you need to have the 40-k speed limits.

**Mr QUILTY:** Thank you.

**The CHAIR:** I might pass over to Mr Meddick and then Mrs McArthur, then myself. Mr Meddick, go ahead please.

**Mr MEDDICK:** Thank you, Chair, and thank you, Mr O'Brien, for your submission here. It is quite a lot of detail to absorb. I also thank you for your experience and your work over the many years that you have put into this. I very much appreciate the way that you have talked about the scenarios and how we need to approach them in this situation. I recall what you have said—that it is very much a problem and then a solution-driven way of looking at this. Seatbelts in particular was the example that you brought up, the problem being being thrown around in cars. How do we solve that? Well, we put seatbelts in. And that caused a dramatic reduction in not just deaths but clearly injury too. And I agree with you; I think that injury should be recorded because it does give us a true stat of a road toll. A road toll is exactly that. It is not just deaths; it is injury too, because there are tolls on the community and tolls on family and personal life—how do people move forward if their injuries are so severe that it impacts their way of life for the rest of their life?

I am curious, then—and you can correct me on this, please—you were talking about speeding and that problem-solution scenario. Were you advocating for a speed limiting device or governance to stop people doing 200 kilometres an hour and driving through traffic lights?

**Mr O'BRIEN:** If you have been convicted for something over 30 k's an hour and even maybe a little bit higher than that, then you should have to have a speed limiter put into any vehicle which you drive, which is attached. So you cannot keep changing vehicles because there will be something attached to you which stops that happening. If you want to behave like that, you deserve that sort of treatment.

**Mr MEDDICK:** Sure. But not an overall factory built-in limiting device to stop people from speeding?

**Mr O'BRIEN:** No. You pay for it yourself, to have it installed. It is the same as the alcohol device.

**Mr MEDDICK:** Yes. Well, that was actually my next question. You were saying, and I am reading here, 'Take strong action to ensure that the existing legal BAC limit of .05 is not reduced'. Why would you not want to see that reduced? I mean, I am open to hearing it here. I am not being critical of that. I want to know why you would want not to see that reduced.

**Mr O'BRIEN:** Because it would be totally ineffective. It does not stop the people who are alcohol affected to the limit of decreasing their driving skills. And they are not the problem. You see, you read these crashes and someone has had .23 blood alcohol content or .15. You do not find them having .04 or numbers like that.

**Mr MEDDICK:** You were just talking there before about the limiting devices for people who have been convicted of serious speeding offences. I know that people who have been convicted of drunk driving, for

instance, have had to pay for the little breathalyser they have got to stick in their car. Would you then be an advocate—because I have heard put this before; that is why I am asking you—of the zero BAC for drivers, for recidivist drink-driving offenders for whom having an interlock device has not worked because at the end of the time period they have them taken out, they get their licence back and they keep going. I know that we have the prison system. There are penalties available—jail and that sort of thing—but would you be an advocate for zero for those people for life?

**Mr O'BRIEN:** Look, I have not turned my mind to that, but I did have the experience. I appealed to the court system on a speeding fine from a camera in Exhibition Street. The person on before me was trying to get her device taken back so they did not have to use the alcohol interlock. It took the magistrate about 10 minutes to convince this person their idea of trying to get that done was not a very good one, seeing they had been pulled up on a few other occasions and so on. So they work and they continue to be required. You have got to be able to basically prove that it needs to be taken away before that happens.

**Mr MEDDICK:** Thank you so much.

**The CHAIR:** Thank you. I might move to Mrs McArthur and then I have got a question myself also.

**Mrs McARTHUR:** Thank you, Chair, and thank you, Mr O'Brien. This was a very interesting presentation, and I have just got a few questions. Are you telling us that in the so-called expert area of policy development and advice to governments on how to do road safety and build roads there are people there with the proper qualifications that would be required to give this expert advice?

**Mr O'BRIEN:** Yes, but they are diminishing greatly in numbers because the people who have those skills basically never get promoted because they only want managers; they do not want people with expertise. I will just give an example of some of the things that the expertise has contributed where I have had some involvement. My first research was into rural, very low volume cross intersections. It showed that they were something like 20 to 30 times more dangerous than T-intersections, and that instituted a program through VicRoads of what we call the staggered T, where one leg of the intersection is offset. That reduced crashes basically, at low volumes, back to zero. The little roundabouts that started coming in in the 1970s and 80s in places like Carlton and Prahran and Mount Waverley basically eliminated fatal crashes in the local street system. The first study that was done on that was on about 40 intersections. It went from a number of fatalities and a huge number of serious injuries down to virtually nothing. These are the sorts of things that you discover if you know how to do research to know what the problem is.

Now, when you are dealing with low numbers in total, then you have got to aggregate stuff, and that is how you work out the program for doing those things. Those are some of the skills which have now gone because people are not looking at low-level problems; they just want to have this thing where, 'You just drive safely. You'll be all right speeding through a cross intersection when someone's coming the other way'. The fatality over the weekend where someone ran a red light at a set of traffic signals—a double fatality—had that been a roundabout, it would not have been a fatality. VicRoads people are saying—I had one junior, which I mentioned in my report; he said to me—'Everybody knows signals are safer than roundabouts'. That was from within the road authority yet on their website, on the Regional Roads Victoria one, it says, 'We're turning things into roundabouts because they're safer'. But people in the organisations do not know that, because they have not done the work, have not done the research.

**Mrs McARTHUR:** Mr O'Brien, can you enlighten me, because out in the rural areas I constantly get bombarded—and I was a councillor before becoming an MP—about the quality of our road building in Victoria. People often say the anecdotal evidence is that you go across the border into New South Wales and South Australia and the standard of roads will be better. Just by observation you can see that a road gets built and in no time at all it will be falling apart or a repair will not last more than a few months. Is this part of the lack of expertise and skill sets that have been lost in the area of road building and road management? And how do we address it, apart from re-employing everybody that has somehow gone out into the private sector or gone away altogether?

**Mr O'BRIEN:** Road pavement issues are not something which is in my area, but I have investigated crashes which have occurred because of bad pavement, where a motorcyclist has hit a series of potholes and come off the motorbike. We had a lot of problems in 2011 when we had all that very heavy rain after bushfires, where

we had floods. North-western Victorian was basically flooded for six months. All of that ruins road pavements. The same thing happened down in the south-west in Glenelg shire and those sorts of places. But it is not only about how well you can build the road, it is what you actually build that is the smart part. There was a treatment down in that same area, at Westmere or somewhere in there. About probably eight or nine years ago there were five people killed at a crash. That crash was at a cross intersection that had been reconfigured from a five-leg cross intersection to a four-leg one instead of being configured to a roundabout. If it had been a roundabout, it would not have happened, because those things do not happen. You have got to build the smart stuff, not just build roads with good pavements, if you like.

**Mrs McARTHUR:** So, Mr O'Brien, the government seems to place a lot of importance in the Monash University study group that seems to produce recommendations that we expand the wire rope barrier scenario and various other things. Is that where the sort of advice is lacking inasmuch as we are using a small academic group somewhere instead of having skilled applicants on the ground to advise government?

**Mr O'BRIEN:** They are coming out of a very limited range of expertise, and nothing goes public. All these things are secret basically—very hard to get your hands on information. In my viewpoint, it would be that the sort of material that comes out of there and goes to TAC should be peer-reviewed from outside of those areas by people with somewhat different skills.

**Mrs McARTHUR:** Right. Well, that sounds like a very good recommendation. If I can, just one last little bit: on the Great Ocean Road we have a situation where we have 20 per cent of the crashes that involve an ambulance involve international drivers. Unfortunately the data is not collected for accidents that do not require an ambulance. As you say, we are lacking a whole lot of data and information to know how we can do things better. How do we deal with the international driver issue when you can come off a plane, hire a car—not happening now, I might tell you—and just head off on one of Australia's most dangerous roads?

**Mr O'BRIEN:** I would think that is a very good question, and I do not have the answer. I have not seen it here, because I do not hire cars in Victoria generally. New Zealand has stuff on the steering wheel advising international drivers on things—firstly, to stick to the correct side of the road being one of them. I do not think that sort of info—

**Mrs McARTHUR:** Yes, well, that is a major problem. Sometimes there is a language barrier, and I know in the municipality I was involved in that arrows had to be painted on the road to try and keep people to the right side of the road.

**Mr O'BRIEN:** Keep them on the correct side.

**Mrs McARTHUR:** But in many cases it emerged that people actually had not driven before as well, so that country—

**Mr O'BRIEN:** Well, this is where I think licence checking by hire car companies has to be improved in some way. I do not know what they are doing now, but obviously a lot of that fails. And I have seen drivers around Melbourne who exhibit the same total lack of skill in their driving, and they are residents driving what appear to be normal resident-owned vehicles—driving at 30 kilometres an hour because they think if they go any faster they might get into a problem, and that is on a 60-k road.

**Mrs McARTHUR:** Sorry, last question, Mr O'Brien: as an engineer, can you tell us what you think of this very expensive rollout of wire rope barriers?

**Mr O'BRIEN:** I think it is being done very unprofessionally. Geelong Road: you can drive down Geelong Road in places between Little River and Lara; there is a barrier there, and the nearest object on the roadside is around 15 metres away. To me, there are a lot more important places to be putting that barrier. And it has got to be done by people in the field who know what they are doing. In the old CRB days they had a guy called the road master who drove their road or highway every day looking for the faults. And if he said, 'Yes, we've got some rocks there that need protecting', they are the guys who knew exactly what they were and where they were. That does not happen anymore. But some of the things which have been useful have been the median barriers on the two-lane two-way roads, like the Midland Highway north of Geelong. It creates great difficulties for access when you do that, and then you have got barrier ends all the time in the middle of the road which get

hit and the whole barrier gets pulled down. That is far better than just putting barriers on the roadsides because that does not stop a head-on crash—not on a two-lane two-way road.

**The CHAIR:** Thank you, Mr O'Brien. Thank you, Mrs McArthur. I had one question which you have kind of touched on, but I think it is important to understand. You made a comment that the Department of Transport has been de-skilled with the lack of engineers and other experts. I am not sure how you came to that conclusion or how you know that. Is that off Google or have you spoken to people in the department?

**Mr O'BRIEN:** No, no. I have seen this happening. I worked at the old CRB for 14 years before I went out consulting. We used to get training every two weeks—a couple-of-hours session of training. By the time the RTA was merged into the RCA to become VicRoads all that sort of thing had stopped. People were not encouraged to become experts; you became a manager. As Robert Morgan's diagram shows, there has been a rise in managerialism, I think, which has taken over to the point, as I said I think before, that people do not even know who to go to. It comes back to Mrs McArthur's comment about road pavements. Everything for 30–40 years has been put out to lowest price tendering. During the time of the Road Traffic Authority they did develop schemes there for quality-based selection of consultants. So instead of getting the cheapest person, who knew nothing, they were now starting to engage people who knew something, and that system worked very well until it got back into the old RCA, where the tender people did not want to have to deal with things like quality. They could add up prices, and I think that has been another big area.

**The CHAIR:** Thank you, Mr O'Brien, for answering that question. I thought it was worthwhile just teasing out.

On that point if anyone has got one last question, I will take it. Otherwise we might conclude our hearing for today. You are our lucky last witness for today. We have circulated your slides to all the committee members as well. If there are any further questions to come out of those, if you are happy, we will contact you—

**Mr O'BRIEN:** Absolutely.

**The CHAIR:** if any of the committee members have a question. Otherwise, it has been a pleasure, and on behalf of the committee I wish to thank you for your contribution and presentation today.

**Mr O'BRIEN:** It has been my pleasure. Thank you very much for listening to me.

**Committee adjourned.**