

CORRECTED VERSION

STANDING COMMITTEE ON ECONOMY AND INFRASTRUCTURE

LEGISLATION COMMITTEE

Inquiry into the Road Safety Amendment (Car Doors) Bill 2012

Melbourne — 23 May 2012

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Witnesses

Ms E. Hennessy, and

Ms A. Hyland, Melbourne Bicycle User Group.

The CHAIR — Good evening, Ms Elizabeth Hennessey and Ms Anna Hyland. I would like to welcome you to our committee and thank you for sitting through what I am certain you will have found to be interesting submissions to date. I would also like to thank you for the written submission you gave us before this evening's proceedings. We will be very interested to hear what comments you have to make. As you have heard, we are running to a time constraint. Everyone before you has been extremely good, so I think we are doing very well to have listened to a lot of very comprehensive material. I do have some formalities to read so that you are also aware of how we will proceed this evening.

I welcome Ms Elizabeth Hennessey and Ms Anna Hyland to tonight's public hearings of the Legislative Council Economy and Infrastructure Legislation Committee in relation to the Road Safety Amendment (Car Doors) Bill 2012. All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and is further subject to the provisions of the Legislative Council standing orders. Therefore you are protected against any action for what you say here today, but if you go outside and repeat the same comments, they may not be protected by this privilege. All evidence is being recorded. You will be provided with proof versions of the transcript within the next week, and the transcript will ultimately be made public and posted on the committee's website. I now make it 9.30 p.m., and I would like to invite you for 20 minutes to speak to your submission. I hope you can leave just a short time for us to ask some questions. It is over to you, thank you.

Ms HYLAND — Thank you to the committee for allowing us to speak today. We will try to keep it brief. We have heard some wonderful submissions, and in a lot of ways what we are going to say is supporting what has already been said tonight. We are members of the Melbourne Bicycle User Group, which in essence is a community-focused group of keen cyclists who live, work and ride in the city of Melbourne. We get together and discuss issues and share ideas about cycling advocacy, and ultimately our vision is for a city of Melbourne where our mothers, grandmothers and children can ride safely on the city of Melbourne streets.

When we first heard about the dooring bill it really started a conversation amongst the members of the bicycle users group, and it was a conversation in which so many members shared stories of being involved in dooring incidents themselves — incidents that resulted in near misses as well as incidents that resulted in injuries. So it was obviously an issue that was of importance to the bicycle users group.

In a lot of ways that is backed up by the statistics that were mentioned earlier tonight about the prevalence of car dooring incidents in the city of Melbourne. It was an issue of concern for the users group, so as our submission says, we decided to support the bill with some changes. Ultimately we see that dooring is an avoidable action. It can have extremely serious consequences; it can injure or kill people. One step towards addressing dooring that we would like to see is the penalty coming in line with the seriousness of the consequences of the offence. As our submission mentions, we would like to see the maximum court penalty increased and the traffic infringement retained and the penalty increased. Also we would support the demerit points. We support the Amy Gillett Foundation's submission and its analysis of how the demerit points could work. When it comes down to it it is about having an effective stick. If you have a spectrum of actions that you are taking to address the issue, you want the stick to be effective. For a lot of people demerit points are how their actions will be influenced.

We believe this is not a step that should be taken in isolation. Just as the car dooring bill started a conversation amongst our members, we would like to see it start a conversation amongst the broader community and amongst drivers as well. Part of that is in driver education. We mentioned in our submission a number of suggestions in relation to that, including driver testing campaigns and stickers. We support the opening the door with the left hand action. We would also like to see other changes, including improved infrastructure and working with Victoria Police on the issue of enforcement.

In relation to the demerit points issue we would note that Victoria Police believes it is workable to have demerit points, and as the Amy Gillett Foundation mentioned, when we compare it to other jurisdictions there are examples of where it works in other states. We believe it is both a workable solution and something that could bring about behaviour change.

Ultimately this is not an issue about punishing drivers. We are not trying to suggest that drivers are doing this maliciously; it is simply that drivers are perhaps ignorant and failing to look or are failing to see cyclists because perhaps they have not had the experience of being a cyclist on the road and being in a vulnerable position. We

believe it is one of the fundamentals of safe road use that you are aware of who is on the road and what they are doing and that you do not take actions that could put other road users at risk. That is particularly important when it is vulnerable road users. Given that dooring is an avoidable hazard and it has such serious consequences, we would really like to see the penalties increased so that hopefully more drivers might stop, think and look for cyclists before they open their car doors.

Ms HENNESSY — I would just like to add that specifically we recommend 3 demerit points, because this is comparable to similar offences, such as using a mobile phone while driving, failing to display P-plates or carrying a passenger not wearing a seatbelt. Those offences have a similar consequence. Our recommendation for the court penalty is 10 points. This is similar to running a red light or driving past a stationary tram with its doors open. I think those penalty increases are comparable to similar offences.

Ms HARTLAND — I think you have summed it up quite well. I am quite interested in that comparison with demerit points for other things, such as seatbelts. Obviously dooring is as dangerous, if not more dangerous, as not having a seatbelt on. You have heard some of the arguments, and you may have seen some of the other submissions around not having demerit points. What is your feeling about how you think demerit points might help people realise how serious this is?

Ms HENNESSY — I think it reflects the seriousness of the offence and the hazard. We are looking for a genuine behaviour change, and demerit points is the only way we are going to achieve it.

Ms HYLAND — Some people can perhaps wave off a fine, particularly if they have enough money to pay it given their economic situation, but most people value a licence and will change their behaviour to avoid losing their licence.

Ms HENNESSY — And those consequences live with them because they have those demerit points on their licence. It is not a short-term fix of pay the money, walk away.

The CHAIR — Ms Broad?

Ms BROAD — No questions. Your submission is very clear. Thank you very much.

Ms PULFORD — Do you have a view about legislation or regulation, or is it about the outcome?

Ms HYLAND — It is about the outcome. Ultimately I guess the legislative vehicle would be decided by the Parliament.

Mr RAMSAY — Just a quick one, if I may. There seems to be general consensus that education is a vital part of the behavioural change that is needed for safety. I am sort of in a quandary. I am not clear about it, and I should have asked Victoria Police at the time about how many infringements are actually served on those who have committed an offence as opposed to the number of times that car dooring happens. I guess the point I am making is: we are talking about a fairly big stick in relation to demerit points. I think we have heard from previous witnesses that it will be a difficult pathway on which to get general consensus. Is the regulation enough but not being applied — it is a question I raised with a previous witness — in that the police do have scope to provide heavier penalties than they are? Is it sufficient at this time to at least trial the change in behaviour by a greater rigour and vigour by the police in imposing harsher penalties?

Ms HYLAND — I think the really striking contrast is the penalty for a cyclist not having a reflector or a bell. The fact that currently the penalty units for that offence are higher than an offence such as this one which has such serious consequences seems to me to be a little bit out of whack.

The CHAIR — Thank you very much indeed. Is there something that either of you would like to add or that you have thought of? You have given us a very comprehensive submission and covered a lot of those points again, so is there anything else you feel you have omitted that you would like to add to tonight's comments?

Ms HYLAND — No.

Ms HENNESSY — Not from me.

The CHAIR — I would like to thank you both very much indeed. Just before you leave I would like to make some general comments. I would like to thank both of you for taking the time to be here; it is a very difficult time frame, and I really appreciate that you waited until we had met with many others. I really do want to say thank you very much indeed — and for the comprehensive submission you have given.

The comments I would like to make are probably to the general room. First of all I would like to thank my colleagues for the thought that has gone into the questions this evening, but I would like to also acknowledge the sponsor of the bill, Greg Barber, who is amongst us tonight, and also our colleague Christine Campbell. I thank them for being here tonight with us to listen to the deliberations of this committee. It is important to know that we have support, and I think that is very important.

I think there are many common themes that have come through this evening, and we have been given some very interesting comparisons and some comparative analysis, as well as empirical evidence, which I know are going to be very useful for us in giving our analysis of this entire bill. We have been given this evening some extremely poignant personal experiences, which I think has framed our deliberations, as well as some very innovative ideas. I think that has certainly been very useful for all of us here.

I would most of all like to thank the people who have in fact presented tonight: Tracey Gaudry and her colleague from the Amy Gillett Foundation; from Bicycle Network Victoria Mr Brennan, Cr Janet Bolitho and Dr Cameron Munro; Drs Nicola Martin and Michael Cross; Andrew Tivendale; and of course Ms Elizabeth Hennessy and Anna Hyland. Most of all I would like to thank the observers. Thank you for being here to support us to make us really understand how important it is.

We are going to have a deliberative meeting on 6 June at which we will take very seriously the evidence you have given us, both verbal and by the submissions. I would like to thank everybody indeed. This is the last public meeting we will have on this issue, and I would like to thank everybody who has been involved. Thank you so much. That is the end of this evening's meetings.

Committee adjourned.