ROAD SAFETY COMMITTEE

Discuss Pedestrian Safety in Car Parks

Sydney—5 August 2009

Members

Mr J. Eren
Mr S. Leane

Mr B. Tilley
Mr P. Weller

Chair—Mr J. Eren

Witness

Mr H. Scruby, chief executive officer, Pedestrian Council of Australia.
CHAIRMAN’S WELCOME

Mr SCRUBY—My name is Harold Scruby. I'm Chairman and CEO of the Pedestrian Council of Australia. We're a non-profit organisation and our major objectives are the safety, amenity, access and health of improving them continuously for all pedestrians throughout Australia.

We have directors in most states. Our Director representative in Victoria is Ray Shuey who I think you all know as a former Assistant Commissioner of Police. I'm sorry he can't be here with us today.

I thought I'd kick start the presentation by the first presentation on Shared Zones. It's an interesting presentation because as a member of the National Road Safety Strategy Panel, I was asked to have a look at Shared Zones and we did a national survey to find out what we actually thought about Shared Zones.

I'm sure all of you know the legislation relating to Shared Zones but this might surprise you. They are our objectives. In September 2008 I did this presentation and it has now been taken up by the RTA. The NRSSP asked us to look further into this because of the findings of this study.

I was asked to look at a national study in conjunction with Professor Raph Grzebieta, originally from Melbourne University. He's an expert in risk management.

The aim of the questionnaire was to conduct a national survey of people aged 18 years and over to address awareness of and presentation of the term "Shared Zone". It was done by AMR Interactive, an international market research company, highly respected and does work for most of the major companies around Australia.

These were the telephone surveys. I won't go through the boring detail but they were asked various questions which we'll get to in a minute, but it was all about who has right of way in a Shared Zone and what are the obligations of motorists and pedestrians.

The results—44 percent of people were aware of the term "Shared Zone". The main demographic difference was for a much lower awareness among those aged 65 plus.

You can all have a copy of this afterwards.

Interpretation of the term "Shared Zone" was assessed separately among those aware of the term and those unaware.

Among those who had heard of the term Shared Zone, only about a third, 37 percent of people, correctly interpreted as meaning pedestrians have right of way. About half, 54 percent, considered that pedestrians and motorists had equal right of way. There was little difference in the correct interpretation among the demographic groups.

This would cause serious concern to everybody here because where people are confused about road rules, there's potential for harm.

Those people who were unaware of the term "Shared Zone" were more marginally likely to consider that pedestrians have right of way, 46 versus 37 percent aware, and fewer considered that pedestrians and motorist had equal right of way, 39 percent versus 54 percent were aware. There was again little difference between the demographic groups.

Pooling the results for those aware and unaware showed that only about two fifths, 42 percent of people, considered that the term "Shared Zone" meant that pedestrians have right of way. A similar proportion, 46 percent, considered that pedestrians and motorists had equal right of way.

Conclusion—The focus of the survey was on interpretation of the term "Shared Zone" in the context of road rules for motorists and pedestrians. That is, what is being communicated by the actual term, or the term actually. In this context the term Shared Zone does not unequivocally communicate that pedestrians have right of way, even among those who had heard the term before.
The survey did not assess the communicative effectiveness of the sign that is shown around a Shared Zone. We'll get to that but it will horrify you.

Only 42 percent of people know that pedestrians have right of way in Shared Zones. The majority, 58 percent, do not understand the law. This must be of very serious concern to those involved in road safety.

The Australian Road Rules state quite clearly a driver driving in a Shared Zone must give way to any pedestrian in the zone.

The intent and wording of the rule is excellent. It's simply that the word "shared", by the way these are our views, is confusing, misleading and widely misunderstood and that is potentially very dangerous.

The demand for these zones is likely to increase significantly as the population ages and the community requires a safer and more walkable (less car dependent) environment.

Macquarie Dictionary, how does it define "shared"? To divide and distribute and shares; apportion. To use, participate in, enjoy, et cetera, jointly. Share and share alike; to divide things or benefits equally.

It's a word that road safety people seem to love, this word Shared Zone, shared bicycle path, sharing the road, share your wife, share everything, but it's a stupid word, in our view, in terms of this particular road rule.

Now let's have a look at the double jeopardy.

Ladies and gentlemen, have a look at the graphic that someone thought up overnight. It's a young girl running away from a driverless car. That hardly depicts a Shared Zone and the obligations and rights in that particular zone.

This was just out of 1999. One of the local police was saying that there's some confusion. Some confusion? There's very serious confusion.

Several years ago the Pedestrian Council undertook a Shared Zone awareness campaign in Mosman and North Sydney, in conjunction with the councils, the RTA, MAA and the local retailers. We handed out hundreds of thousands of these flyers.

In New South Wales, I should remind you, our technical directions now, and as a result of a lot of our campaigning, require the words "give way to pedestrians" under all Shared Zone signs.

Mr LEANE — Are you happy with that?

Mr SCRUBY — No, and I'll explain why. But it's better than Victoria, and I'm not here to say one state is better than the other, but let me tell you now Victoria does a fantastic job in road safety. That's not what we're here to do.

The CHAIR — Just before you move, I've noticed most of the slides you put up have a 10 kilometre speed. Is that a guide?

Mr SCRUBY — No, I will come to that in a minute too, and that will be covered, which is quite an excellent part of this. That's not my views, I'll show you why in a sec.

This is how we did the campaign, you can see all the retailers there. The rangers gave out the little signs.

Now look at this interestingly because this was done a long time ago and you'll notice in fact the signs are much bigger now. We've got the 10 K Shared Zones signs up there on the entrance to the back part, this is called Bridgepoint carpark. I'll come to this in the other presentation but I think it shows a very interesting sign of carparks. This could be soon as part of the carpark and it is a Shared Zone.
This was another one we did with Woolworths at the Neutral Bay carpark. We launched it. You can see from left to right, you've got the head of the section at the RTA, you've got Reba Meagher, an MP in this Parliament and the Parliamentary Secretary for Roads. You've got the local inspector, Terry Jacobson. You've got Jenny McCafferty who is the Mayor of North Sydney and the head of the Local Government Association and you've got me.

Since 1998 the PCA's expressed serious concerns about the confusion surround the name "Shared Zones" and campaigned for its review. This is really interesting, this is a note from the RTA in 1999. The Chief Executive is stating at the bottom—

"However, there may be some merit in investigating the potential for changing the name of "Shared Zones" to one which conveys to drivers the priority which pedestrians have in these zones."

Now this is from Paul Forward. I wrote to Paul Forward, the head of the RTA at the time, and said could we look at making them 20 K zones, thinking we might get more compliance. Very interesting response and I'll read the paragraph, the third down—

"As stated in previous correspondence, as vehicle speeds increase, the risk of serious injury or death to pedestrians involved in a collision with vehicles increases. In order to minimise the risk to pedestrians in Shared Zones, the RTA has mandated that a speed limit of 10 Ks will apply. This speed closely represents the walking speed of pedestrians 85th percentile speed of 4.3 kilometres an hour, in contrast to a speed limit of a 20 Ks. A speed limit of 20 Ks in a Shared Zone would introduce a difference of five times in magnitude in 85th percentile speed between vehicles and pedestrians."

Now that's from the head of the RTA, they will not budge on the 10 Ks, it's right through our state. However, I should have read this out to you as well. For the third time the RTA raised the issue of renaming "Shared Zones" to "Pedestrian Priority Zones".

Please don't think we're agreeing to that, we're not, but it's a better name than Shared Zone or Pedestrians Zones with the Australian Road Rules ARR Maintenance Group at its meeting on 3 July 2003. However, all states, with the exception of New South Wales, voted against the change of name to "Pedestrian Priority Zone" on the basis that the ARR do not refer anywhere to anyone or anything having priority.

Now that said, additionally the group felt that the term Pedestrian Zone would indicate that the area was for pedestrians. That requires a lot more thought but what I think is coming out of this, here is Sydney airport in New South Wales with a 20 K Shared Zone.

Now there is a 40 K shared zone some idiot has put up at the domestic terminal. I don’t know how you can give way to pedestrians who can walk all over the road with absolute right of way in a 40 K zone.

“As stated in previous correspondence, the RTA provides a compelling case for 10 K shared zones. Recommendation—That the National Road Safety Strategy Panel recommends to the ARR maintenance group that shared zones be renamed to an unambiguous name proclaiming that pedestrians have right of way and motorists must give way to pedestrians at all times and that the logo be redesigned to convey those rights and obligations.”

Mr LEANE—Have you got a preference?

Mr SCRUBY—I’ve got to tell you, I’m still confused. It could be just Pedestrian Zone and then the words Give Way to Pedestrians at all times – something simple, but we’ve got to move on from this, this is absurd.

The reason I think Councils are saying we don’t want to change is cost, but this road rule is, in itself, very,
very good. There’s nothing wrong with the road rule and if you read it further it actually says, “Motorists can’t stop in a Shared Zone unless it’s in a marked bay or an area which is designed for parking.”

It’s a great idea and as we mature and realise that walking and the ability to create these in public streets as well, dead end streets, our kids can go out and play.

In fact, I haven’t been able to do it here but we’ve worked very closely with the RTA and Leichhardt Council and where we’ve had very, very narrow streets in Leichhardt, we’ve actually been able to put the cars up on the footpath legally and allow the street to become the footpath, through a shared zone, but we’ve had to engineer it and if you want to see further on that we can get it for you, but it’s been a great experiment and it is working. No one is objecting to it, so we have killed two birds with one stone.

So that is that presentation. If you have still got some time I would like to show you the presentation I have done for carparks.

The CHAIR—Just on that, most of the times they are one and the same person, they are a driver until they park their car and get out of their vehicle and then they become a pedestrian.

Mr SCRUBY—That’s right, we are both, we are ambiguous or ambidextrous.

The CHAIR—So therefore I suppose it is a Jekyll and Hyde thing, when you are in your car you expect the right of way, when you are actually out of your car, as a pedestrian you expect that drivers stop or give way.

Mr SCRUBY—We are ten times more vulnerable. If you look at the cost of injury to a pedestrian, it is typically twice that of someone in a motor vehicle, inside a car. So we are the most vulnerable and we are the largest road user group, yet we tend to get the least amount of attention until we are hurt.

The CHAIR—Like those zebra crossings where pedestrians obviously have right of way. I find it disturbing that some people don’t even look and they have this frame of mind that it is my right of way, I have a right to walk here and they have got to stop.

Well unfortunately, if they don’t stop, you are in trouble, and so I say with caution that when you say absolute right of way, that there is not a frame of mind that think that they have got to stop, when in some instances they may not stop, so we need to cross cautiously.

Mr SCRUBY—Absolutely and my mother always used to say to me as a kid—Just because you’re in the right, it doesn’t reduce the pain. So we don’t disagree with you on that, in fact we are just about to embark on an advertising campaign on pedestrians crossing against the red. You will love it when you see it, it is a ripper. We have got Sachi and Sachi who does our ads.

Mr TILLEY—Before we go on to the carparks, just in relation to the sample survey, was that conducted entirely in New South Wales?

Mr SCRUBY—Nationally, a national survey.

Mr TILLEY—Are you able to give us some sort of a break up of the responses from State to State?

Mr SCRUBY—I can get you the whole survey from AMR Interactive. I don't think you will find they change that much. I am still surprised at the number of road safety meetings I go to, most of them have never heard of shared zones.

It would be good to do something now before they mushroom and we have got too many around to change, because there is a great concept there, we have just got to get it right.

I am going to be a bit black and white here, I am going to throw something at you people that you might disagree with me on, but I think it is fundamental and I am sure it is no different in Victoria about the whole
road safety mix, and we call it Pass the Parcel, your Silo, my Silo.

Line of sight, we had a famous case here called Bussell v Campbelltown Council. A child was hit coming off a refuge, not a pedestrian crossing, a refuge – and you all know the difference – with a pedestrian refuge we do not have right of way, we do on a pedestrian crossing. We will not talk about right of way, but cars have to give way. On a refuge they do not.

The child came off on his bicycle, rode out in front of a parked bus. Now the Council had allowed the bus to park there by sign posting that area. I will not bore you with the whole thing but this is a Court of Appeal decision in New South Wales. They tried to appeal it to the High Court, it was refused, so it is effectively in concrete, and it was a unanimous decision by the three Judges.

In other words, they found Campbelltown Council was negligent because it invited a bus to stop in front of a pedestrian refuge. Number one, we all know in the Australian road rules where there is a pedestrian crossing, you are not allowed to stop within 20 metres on the approach and 10 metres on the departure.

We also know that Councils can signpost and vary that, but it would appear there are no guidelines, no legal requirement to do risk assessment or anything, it seems to be based on what they want.

Let’s have a case study, and we are going back again to McCaffrey – well call it Pass the Parcel, I don’t give a dam about apathy.

Apart from pain, grief and suffering, road trauma costs Australia about $18 billion per annum. Unless they are sued for negligence, Councils do not contribute one cent towards the costs of road trauma. I am not talking about pre the accident or crash, I am talking afterwards. The costs of road trauma are generally covered by insurers and State and Federal Governments.

You have got your TAC and we have got our MAA. By the way, they still use the word “accidents” in their names and I wish we could change it, because they are not mostly accidents, they are mostly avoidables. It should be the Motor Avoidable Accidents Authority or whatever.

The primary concerns of Councils are about revenue raisings from time zones and parking meters. Let me prove this. Road safety is not a primary concern and generally an afterthought. It is, therefore, vital that there be legislation requiring Councils to meet certain safety standards in carparks if what you are doing is going to be effective. That is in our view, you may disagree.

Let me show you three case studies and I know we are very New South Wales centric here but I am sure it is related.

This is number one, the Berry Street pedestrian crossing. Can you all see that crossing? It is a major crossing in North Sydney. Our road rules require 20 metres. This is used by three major schools there every morning and the Council has signposted and put parking metres within 2.5 to 3 metres of the pedestrian crossing on approach and the same on the departure. They have even signposted that it is a high pedestrian activity area. Can you see that? It is probably hard to read that sign, but it does say that.

Now you can see the configuration. Very cynically we took a photo of this and said that North Sydney Council had decided to leave ambulances at these locations because they could whisk away the injured and dead pedestrians. There is no line of sight.

Mr LEANE—Have there been any incidents there?

Mr SCRUBY—Not that we know of but we don’t look back, we always look at potential for harm. We just refuse to look backwards because that is the easiest – I am not saying from your perspective, but it is such an easy way out and it is always this—show me the warrants. We don’t care about warrants, we care about saving lives, not looking backwards and if you base this on Bussell, Bussell is unequivocal that there is no line of sight.
Don’t forget, in road safety or in legislation you can park any vehicle in that zone providing it fits, and that can be that size vehicle, it is opaque, you cannot see around it and a mother pushing a pram out there, there is no time to stop.

I went to the local traffic committee and I saw the Mayor, she is also the chair of the traffic committee and she told me to stop making exaggerated claims. Are you ready for this – “If we follow these guidelines, we’ll virtually lose parking all over North Sydney. 20 metres is an extraordinary amount.

This has huge implications”, she said. An RTA rep said the Council had misinterpreted the Council direction for pedestrian crossings and confirmed figures quoted by Mr Scruby were correct. Mr Scruby told the meeting that Council had confused parking meters with lineal metres – they did not laugh.

So we got it in the Mosman Daily in 2006 and you can see the direct quote there, it says, “Guidelines 20 metres” at the very bottom line there, quoting what the Mayor said. They did nothing.

In 2007 we got it back in the paper – they did nothing. This is some of the chronology – October 2006 was the meeting, at the same time the commander of the New South Wales Police at North Sydney wrote and demanded the removal of three parking meters on the approach and one on the departure – it was ignored.

In 2007 the chief executive of the RTA wrote to us and the Council saying it had been brought to Council’s concerns and is being followed up as a matter of urgency.

In 2007, April, they announced in the paper they were going to do an audit of all crossings. In July 2007 a regional traffic committee ordered them to remove the meters and in August 2009 there has been no change except the date, three years later, and I am only giving you one case study.

Mr LEANE—The regional traffic committee, do they have no teeth?

Mr SCRUBY—They have got teeth, they will not use them.

Mr LEANE—They ordered the Council to apply?

Mr SCRUBY—Yes.

Mr LEANE—What are the ramifications of the Council ignoring that to date?

Mr SCRUBY—Until someone is killed on that crossing and sues – and by the way, you have got the same we have got this Personal Liability Protection Act which overrides all their old fashioned liabilities – they just ignore it.

Let me give you some examples. This is case study 2 – City Sydney. You have got the same rule for no parking in Victoria, it gives you two minutes to stop and three metres outside the vehicle and this is on the approach, one of the most used crossings in the CBD, that is King and George Street. Can you see that No Parking sign, inviting you to stop in front of a pedestrian crossing, where in New South Wales, there is one demerit point and a $250 fine for that offence.

This is a bus lane where you are not even allowed to drive, but Council invites you to park for two minutes. This is the second most busy intersection – I know I am getting away from carparks but I want to put a point - they have got one No Stopping – we have got a different no stopping symbol to you, we do it in bright red with “No Stopping” written on it, the other one is the No Standing and in the meantime, JC Decaux have put their advertising signs in front of the pedestrian crossing obstructing all line of sight, and to add insult to injury, they then make those ads scroll.

So we have got obstruction and distraction and we have got all the assigns wrong, so you cannot book someone anyway.
This is down at George Street, no parking signs inviting people to stop in front of pedestrian crossings.

Now this is the best of them all, this is George Street North at The Rocks. Does everyone here know the legislation pertaining to double lines and how far away you've got to be before you can stop?

**Mr TILLEY**—How far?

**Mr SCRUBY**—It's three metres.

**Mr TILLEY**—Up to the approach of a pedestrian crossing?

**Mr SCRUBY**—No, anywhere. If there are double lines on the road, you cannot stop within three metres. Which means if you look at that, there's nowhere on that strip of road that you can stop. Would that be correct?

**Mr TILLEY**—Yes.

**Mr SCRUBY**—Even a motor bike would be still within three metres. These are the four signs going from east to west. Each one of them is in contradiction, all inviting, except for the far left, people to stop in that area. One says a "loading zone"; the "loading zone" points towards the "no stopping". The "bus zone" points towards the "no stopping". The "no stopping" points towards the "loading zone".

This is how the one on the far west looks, the "no stopping" is pointing towards the ground. The "delivery vehicles only" is pointing up in the air. We've written to council so many times, the Mayor, the General Manager, they don't want to know.

**The CHAIR**—No response?

**Mr SCRUBY**—No response. There's how the trucks come along every morning and they drive on and off that footpath in front of a pub, delivering grog, and we've got so many tourists down there and this happens all day long.

I know I'm moving off the subject but I think it's vitally important to understand the relationship between the road authorities and councils because they stop all day long. This is the behaviour around there, it is unbelievable. All the buses go over the double lines, the trucks park facing the wrong way. It's never enforced. This is even a disabled zone at the end and the taxis are there every minute.

Commerce is always more important than safety. So they go up and down the roads on their northern side booking people for being too long in the meter and they can't see those trucks.

I won't bore you with that any longer but let me tell you, in twenty minutes we saw forty serious road offences in that area, but we did get one parking ticket, you can see at the bottom, and that was for someone being over time in a loading zone.

When it comes to parking, councils are mainly concerned with maximising on-road parking for ratepayers, residents and commercial operators. North Sydney Council put in a brand new pedestrian crossing for their children in a school zone and they put the "no parking" within half a metre.

That's what we call the "Sophie Delicio". You'd all be familiar with that crash, awful, horrific, I've become very close friends with her father. That's how she was hit, in a similar thing because there was no line of sight.

In this case, and this is a refuge. Can you see where the "no stopping" sign is? This would be completely opposite to what Bussell has demanded. That's 2005, still the same.
You're meant to be 10 metres back from intersections, that's a "no parking" zone. You're not meant to stop within 10 metres of a departure sign of a crossing, they've invited Australia Post to stop there.

Same again, there's a disabled sign on one side, no stopping the other. Four months later, nothing.

This is one of our better signs around a school zone, can you all read that? The 10 metres on the departure sign, this is where the famous Judge was booked, Einfeld went to his Waterloo, you'll see all the old signage.

I'll just flick through this but you can just see it's all ignored. Safety is the last thing on council's agenda.

This is Murrurundi on the New England Highway and I think someone there got a special on your road signs because they are not our signs. They've put them right in front of the pedestrian crossing on the New England Highway and no-one, not the rangers, never talk to the engineers, never.

Look at this, your signs in New South Wales. They've got no authority here. All over the town.

See, again with refuges, they're putting bus stops in pedestrian zones.

The CHAIR—Just on that Harold, do you think there should be some uniformity in terms of states and territories, in terms of signs?

Mr SCRUBY—I'd love that.

The CHAIR—So there would be no confusion when tourists come to New South Wales, or vice versa?

Mr SCRUBY—Absolutely. We've got eight railway gauges effectively in our mentality. We can't help ourselves, it's bizarre.

I must say I do like our "no stopping" signs better than yours, I think they're far clearer and they stand out, but that's only a personal opinion. But I agree with you, that's what the Australian Road Rules was about, to get conformity, but we don't have it.

I'm getting to the carpark stuff. I'm trying to make a case that there's no point in getting all excited about carparks if you can't get this right. The Killing Fields. This is Military Road, Mosman. I just want to show you a classic. This is Military Road, Mosman, a six lane main road with no median. There have been three deaths and eight serious injuries.

There's a pub, can you see the goose on the left? That's a pub and very well patronised pub and we campaigned for years to get some fences, pedestrian barriers there.

The RTA said yes. They put them in up to the north, another pedestrian hurt, black spot action called. This businessman here has called it "the killing fields". Sorry you can't see it so well up there but you can see it when you get the original.

We managed to get the barriers further north but what happened when the council was confronted with the same notion? Council Planning and Transport Manager, Alan Stewart, said—

"The idea of barriers was being examined again but it seemed difficult to link pedestrian accidents with people leaving the hotel drunk. Fences will severely restrict trading from businesses that rely on parking and the accident data may not seem to support it either."

Only eight serious injuries and three deaths. Hotel Mosman owner, Brendan Barry said he was not sure the barriers would work.
You see, it's all about commerce. These are the people on our councils and I was on that council for eight years, I was Deputy Mayor there, I chaired the Traffic Committee, I know a bit about this. This is all about commerce being far more important.

Let's go back to the 18 billion. They're not paying for that so why would they care?

This is from Mark Ryan, this is very good. A friend of mine, Mark Ryan, is one of the head people at Westfield, I'll show you some of the photos. He said:

"I'm sorry I couldn't get back to you in time. Westfield's position today is that we have a very open mind, have no in principle opposition to any of the suggestions but they are of course subject to logistical and other questions, e.g., how it might be introduced in stages, how centres developed and problem carparks first, et cetera. We can't say more in time for your appearance tomorrow but you could you at least indicate we have taken it on board."

So that's a good sign by Westfield.

Council and Private carparks. Why do they always put the short term parkers the furthest from the entrance? It increases the potential for harm of course and the revenue.

If you go to the Governor Macquarie Tower where our politicians live, all the full time permanents are up the top and you've got to go eight layers down to get to the bottom. Apart from what it's doing to the environment down there, it increases the potential for harm because they're coming in and out all day going eight levels. But of course what happens, it gives you the extra five minutes at the end so you get the extra revenue and have to go on to the next hour.

It's an interesting question to ask but it means someone's driving. Why aren't all the full timers who come in once and go out once down the bottom and all the people going in and out every hour up the top? Doesn't happen.

Mr WELLER—In Melbourne there's carpark for the early birds who have to go up to the 6th and 7th floors. I used to park there. If you get in before 8.30 in the morning, you could get an early bird rate but you had to go right up to one of the top two.

Mr SCRUBY—That might be one of the more responsible ones, but I can assure you, go and have a look at the one in the Governor Macquarie Tower and see how long it takes you to get to the bottom. It can take a good five to ten minutes by the time you get down to where the part-time parkers are. It's an interesting point.

Now this is Westfield Bondi Junction. They have at least started with a Shared Zone, good idea, well done, but it doesn't have the part where it comes in with the give way to pedestrians. However, they are starting to, and of course the most important thing in all these carparks, apart from line of sight, is to engineer that vehicles can't go fast.

Enforcement is one thing but engineering is twenty four hours a day, seven days a week. Enforcement can't be like that.

Sorry about the photos but you can see they're starting. This is the first I've ever seen and I'll show you some bad ones.

This is Mosman. I showed you where the Shared Zone is 100 metres along that road so the open air is a Shared Zone. I think I've sent you a copy of case by Mrs Laurie Corrigan. You've got that, she was run over in this carpark, both her legs, large 4 wheel drive. Have a look at the entrance here and I'll show you the exit. There's no even line of sight from the exit but it's dark, very dark. There are lots of signs but they're
all about how long you can stay.

There's one tiny sign that you couldn't even see saying 5 Ks. See, look it's all about time. There's very little here about - very few speed bumps, they've got these sorts of things in there, slow, whatever that means. No speed limit anywhere else in the place.

You can see the distance way back is the only other speed bump. So people in a hurry can easily get up to 20 or 30 Ks along there. As you can see, all cars parked at angles so people are emerging from between parked cars. Again back to Bussell, line of sight.

There's nothing. Sorry you can't see that but there are no bumps. This is where she was hit coming out of a lift, coming around here.

Look at this, this is unbelievable. As they come out you can't even see around this until the whole front of your vehicle is out on the footpath, and this is another thing we've got to deal with in carparks. Giving way and engineering so you look at your average McDonalds and they're coming across the footpath at angles at 30 and 40.

Mr TILLEY—An original observation we made, the Ministry of Justice in Wellington, New Zealand, has a sign of a car coming with an audible sound as the vehicles approach the egress points.

Mr SCRUBY—Well they could at least have concave mirrors and things here, they've got nothing. I was involved in putting this together when I was on council, there was no safety audit done here. And guess what they give you? They give you a ticket but there's nothing about safety. Watch out for pedestrians. It's all about check the time, watch the limit.

Requiring headlights on in an underground carpark is an excellent safety measure. Now this is my own building where I work, I've got this in. Turn your headlights on and give way to pedestrians in the carpark. It works. People do slow down when they see that. Turn the headlights on, it is reasonable to accept that speed limits in council carparks, unless otherwise sign posted, is that of the providing speed limit on the adjacent road.

Mr LEANE—So why do you recommend turning your headlights on?

Mr SCRUBY—Because you can see. You can see people, people can see you. Even in Sweden where they've mandated it on the open road, I think they've cut their death toll by 15 percent. It's a very important road safety idea, particularly where it's dark and you've got no line of sight. So lights on could be a good idea.

The CHAIR—In the new cars now I know that the lights come on and off according to the light.

Mr SCRUBY—Yes, but that's 25 years before we see the majority of them, I'd say, as fleet goes. But even my wife's does it but mine doesn't.

Let me just show you this; I think this is probably the critical part. This is Spit Road, Mosman. Are you all familiar with this, right down to Spit Bridge? We're heading south and here's a little access road on the south. Can you see the speed limit sign in the middle there, 60?

Well, that little lane there is 60 because there's no sign posting what speed it is and I would say, legally, it's the same speed as that, but wait for it, you're coming into a carpark. So people are coming along here, there's no footpath, they're all lovely little cafes and things and people are doing 60.

Look at this, here's the carpark, big one, well used, but nothing about speed limits. No engineering to slow you down and all angle parking so line of sight is restricted. This is probably similar to most carparks throughout Australia. Look at this, across the road, this is a huge carpark, we've got this tiny little "10" sign,
can you see it? You wouldn't notice it.

You're probably looking to the left coming in there. Look at the size of this thing. How fast can you get in there? Nothing to slow you down. Again, pedestrians are always an afterthought. We're always at the bottom of the food chain.

This is not a bad sign. This is BP at Willoughby near Channel 9. I think this is quite corporate responsible but there is nothing to engineer them to slow down to.

This is my favourite carpark. Quite funny, just as aside, Nestle released a product called "Burnouts". I tell you, an ice cream, and we were so horrified we actually used this and said Nestle helping to kill our young kids on the roads and managing director rang me up, had coffee with me and took the product off the market. I sent it to Switzerland, the marketing director ignored me, funny how they react, these big companies, but we won on that. That's a carpark and these are burnouts in a carpark.

Sydney Opera House carpark, very fast design, no speed limits or speed humps, poor line of sight. Has anyone been in there? It's quite a unique carpark, it's go round and round and round.

Mr LEANE—Who owns that?

Mr SCRUBY—I think Wilson's got it but it's probably City of Sydney. Look at it, people are emerging out of these side things all the time. We were there on Saturday night, look at this, I took the photos to show you.

Mr LEANE—So I suppose all the examples you've shown us, there would be no technicalities, owners of carparks to use to say they're not Shared Zones?

Mr SCRUBY—Well, I think you've got to back. If you or I were hit in these carparks, who's in the wrong? No one's told the driver that it's 10 Ks, no one's engineered it to make it look like he has to slow down, No one's put up any warning signs. Is that the question you're asking?

Mr LEANE—No. I suppose what I'm getting at, from the outset when you spoke about Shared Zones and having a national standard around Shared Zones and 10 Ks, and your argument about it, which is a good argument, that the signage needs to be improved, we need to understand pedestrians have got right of way, so every example as far as every photo that you put up as a slide is actually a Shared Zone?

Mr SCRUBY—No. The only one shared zone I know in an indoor carpark is the Westfield at Bondi Junction.

Mr LEANE—So what would you call this then?

Mr SCRUBY—This is a nothing zone, anything goes.

Mr LEANE—For a Committee like ours, maybe it would not be a silver bullet, because you would always have problems, but maybe some sort of metal bullet, would be to deem these sort of areas these shared zones.

Mr SCRUBY—Absolutely.

Mr LEANE—Because that is absolutely what they are.

Mr WELLER—‘Shared zones’ is not an appropriate term but we have got to find a term.

Mr SCRUBY—If you guys can fight on our behalf, if I have convinced you about the shared zone problem then you guys can raise it to a national level. I am sure people would agree once they had seen that, because the NRSSSP all agreed and they have chucked it back to Soames Job, so he is the head of road safety...
director at RTA and a good bloke, he’s got a PhD and a very smart man, and he is on side with this, so is Raph Grzebieta.

If we can raise this to a national level we can get the name, we can research it, we can get it right and then in our best world all carparks should be Pedestrian Priority Zones, maximum speed limit 10, engineered so you cannot go over 10 with giving pedestrians the right of way they should have in a carpark.

Mr LEANE—Unless the property can be engineered that the pedestrians and the cars are separated.

Mr SCRUBY—That is going to be almost impossible. What is good about the shared zone, even today, is that once you have got the signage up and I do not want owners like Westfield to say—Now we’re off the hook. They have got an obligation of duty of care to ensure that it is engineered so it is safe. What I hate seeing are these stupid pedestrian crossings inside a carpark. It means you cannot really walk anywhere else, because you are on the road. That is what it looks like.

A shared zone is effectively a full time pedestrian crossing and why shouldn’t it be? If you are pushing a trolley with one hand and a kid with another and you are coming out between parked cars and there is no speed limit and no engineered devices to slow you down, it is like walking across the road with your eyes shut.

The CHAIR—I notice that you have got reverse parking there. What is your view about overall reverse parking?

Mr SCRUBY—That is a very good question. The jury is out on it. It is not just reverse parking. The best parking of all that I have seen is 60 degree reverse angle, for a couple of good reasons.

One when it is angled back into the gutter, pedestrians are taking things out of the boot on the footpath, not on the road. The thing against front to kerb is you do not want pedestrians standing on the road.

In fact, just another aside, I complained to Coca Cola once because their pool old delivery guys would be standing out on the road with a trolley taking crates off on the road. Once I brought it to their attention they actually did something pretty quickly and they have changed a lot of their vehicles around now so that they can rotate, so that everything comes off on the footpath, and that is a work cover type thing.

Number one, if it is reversed it is safer because pedestrians are taking things out of their boots, especially with hatches and things, and loading the car up from the footpath, not on the road.

Secondly, if you look at the ageing population – have you ever watched an old person park – mirrors, never look around because they cannot move their necks, so a 90 degree angle park is pretty hard for an old person.

Mr LEANE—Rugby players too.

Mr SCRUBY—Necks cannot look back, so 90 degrees is hard. Where I work we have got this ridiculous thing where it is all rear to kerb and people are pulling out over the double lines onto the wrong side of the road to be able to back in. With 60 degree parking it is pretty easy, you come along and you just come straight back in and you get better line of sight going out. However, why would Council’s not prefer 60 – you lose one at other end you see and commerce always wins over safety. I think I have proved that almost.

Here is a McDonalds, this is at Neutral Bay, the first time I have ever seen a sign posted at McDonalds, but they have actually got 10 there – although they are trying to hide it with a bush.

This is the carpark where I work and that is a shared zone, but interestingly, people park everywhere but the Council are going to change this because we have been getting at them, but they are going to put bollards there – people drive straight up onto the footpaths.

This is the shared zone just behind where I work and this is the one I was showing you earlier where we did the handing out the leaflets. Again, it is good that it is a shared zone, and by the way, if someone did hit
someone there, that is the interesting part, the automobile, the motorist, would be in the wrong. That is the interesting part about the law. How it pertains to a private carpark, I don’t know. You will be able to find that out.

This one does not have the right signage underneath it as per New South Wales requirements. I spoke to the Council – they don’t have enough money.

This is a good thing in this carpark, we have got Woolworths after a lot of our campaigning – the trucks would come in here and they would reverse into this thing, can you see, and it is very, very dangerous, lots of people with prams and kids and things, so they have now got a full time man on there.

Again, this is Canterbury, quite easily argued that this is a 50K zone in here because the adjacent road is 50 - - parents pushing prams around. To the best of our knowledge, few, if any motorists have ever been booked for speeding in shared zones or for failing to give way to pedestrians.

Police advise us that their hand held Lidar speed guns are also incapable of enforcing the speed limit under 20kms and also that most carparks do not have the adequate sight lines for reliable readings, and there you are.

**The CHAIR**—Does your organisation have access to the data in terms of injuries and fatalities in carparks?

**Mr SCRUBY**—No, for two reasons. One, injuries take so long to trickle through the system. I must congratulate Victoria, you are far better than us. Every State, every jurisdiction, seems to want to define them differently. Injury data is usually better than deaths because you get so many more of them, so you start to see what is happening on a wider scale, but they take so long to get through and of course, if they are happening on private property, you would have to go to a coroner to get any reasonable data. So it is extremely expensive and difficult to get.

**The CHAIR**—Some carparks put on either their tickets or a sign as you enter their carpark saying Enter at Own Risk in terms of their liability. What is your view on that?

**Mr SCRUBY**—We all know that is nonsense. You cannot contract out of your duty of care, we know that from thousands of law cases, that is just nonsense. We know they cannot just say drive at any speed, ignore all the pedestrians, do what you like, this is anarchy in our carparks. We know that is nonsense but we have got to bring these people on side. I think Westfield could be a great opportunity from what we are hearing back from them. I am sure they would be only too keen to look at your recommendations. We have got to lead by example.

**Mr TILLEY**—A short time ago you mentioned the word “research”. How much research has been done in relation to the safety within carparks?

**Mr SCRUBY**—I am not sure but I don’t think much at all. I recall there were a couple of deaths just recently within the last two years at Mittagong, near McDonalds was it – or very serious injuries anyway in a carpark down there and I got a lot of publicity on that. Right around Australia there were radio stations ringing about it.

I don’t know, that is the problem with this. All I can really present to you today is how we see the potential for harm, the current situation, the opportunities to improve and I can only apologise for being very poor on the data, but it is just not there.

It is very interesting, it is very much like the number of children who are hit in private driveways. It is very difficult to get the data because it does not go onto the normal Vic Roads, RTA stats.

**Mr WELLER**—From your presentation, one of the things would be that we find another name for shared zone and then we have an education campaign so everyone actually understands in that zone what their responsibilities are.
Mr SCRUBY—Yes.

The CHAIR—And uniformity.

Mr SCRUBY—And uniformity in Australia.

Mr WELLER—Carparks would obviously come under that.

Mr SCRUBY—I think you will all agree after that presentation, the word “shared” is not the right word and it has just created confusion.

Mr WELLER—I hadn’t really thought about it until this morning.

Mr SCRUBY—It is a great concept.

The CHAIR—Probably Pedestrian Zone.

Mr SCRUBY—I think Pedestrian Zone.

Mr WELLER—And an education campaign on that.

Mr SCRUBY—Yes and 10k zone. You might have hit the nail on the head. The best laws are the simplest ones and the ones that everyone understands. We all know what a Stop sign means. We might go through them, but we all know what it means.

And the logo has got to be changed, it is the most misleading. I don’t know who thought that up and I don’t know what medication they were on, but it is not clever.

The CHAIR—Just in relation to Local Government, obviously they have the jurisdiction of planning and when businesses for planning they are required to provide a certain amount of carparks and particularly like Wilsons, they apply to Council to acquire a permit to build a carpark, and as I understand it, there are no set guidelines.

Mr SCRUBY—No Australian Standards to my knowledge. I think that is another great idea, we should be calling upon Australian Standards to put forward the standards for carparks, but I don’t think you can get there without getting our shared zones right. We have got to have some legislation and whether this shared zone will work in private property is another issue, or whether Governments can create that legislation to apply within private property. All that has got to be examined, but I still think there is huge potential in getting the concept of a shared zone right and then embracing that with the correct engineering and education, and I think you will get it all right if we can get those together.

Mr WELLER—Couldn’t you, through the planning process, get the engineering solutions built in? For example, if I applied for a carpark to the planning department and local government, if when I was putting the application in, they say it has to be this design, the engineering solution is there.

Mr SCRUBY—Those bumps are very effective, very, very effective. The good ones, the little sharp ones, are very effective at slowing motorists down. The problem I see is these ridiculous little pedestrian crossings that emerge between two parked cars which are angle parked. Under our own road rules, we have to have 20 metres line of sight on either side of those pedestrian crossings, but in the carpark there is no line of sight and people are coming out between them with strollers. That is absurd. We do not need pedestrian crossings in carparks, we need full time pedestrian crossings in every section of the carpark because that is where people are walking, they are on the road, they are in the face of the motor vehicle all the time. It is quite an unusual situation.

I just have to congratulate you, because this is the first time anyone has really had a good look at it.

Mr LEANE—Also in carparks you might have large families with three little kids and one parent.
pushing a shopper or a shopping cart and they are coming out from in between cars.

**Mr SCRUBY**—If I can get you this coronial enquiry into the death of Bethany Holder, you would all realise how quickly these things happen, and this is in a school ground.

**Mr LEANE**—How old was she?

**Mr SCRUBY**—She was only five I think and everyone that gave evidence said that the woman was driving at probably five kilometres per hour, so when you see this happening so quickly and so simply, you realise the potential for harm in a carpark is even greater, because this was outside where it was easier to see.

I mean, these things are deaths waiting to happen and little children and prams and shopping trolleys and large four wheel drives – I come from the suburb which has the highest number per capita.

**Mr LEANE**—What, in four wheel drives? Do you live up a big mountain or something?

**Mr SCRUBY**—No, well we say that they are the only weapons of mass destruction that George Bush was ever able to find because they really are shocking and most of these people wouldn't even have gone west of Penrith.

I'm sorry, I'm pushing my barrow there.

**Mr TILLEY**—One thing you mentioned previously, and we're talking about reversing motor vehicles and people's system of car control to be able to move their necks and make observations. Vehicle safety technologies such as sensors and pillars, what are your thoughts on those?

**Mr SCRUBY**—I'm absolutely black and white on it. I've looked at the studies on it. Some of the good vehicles now have got cameras and they say the cost, if we mandate them on every vehicle, not just 4 wheel drives, it would be $100 extra per vehicle. In fact, you can buy them from Dick Smith and Bluetooth I think for about $150.

If you look at the latest ones, the Lexus, et cetera, they've got fabulous 180 degree cameras and they come into play as soon as you put it into reverse.

I can send you to the chap who did the research. The sensors are useless, they don't pick up the kids till you run over them. I think another thing this committee could be doing is recommending to--

**The CHAIR**—You mean the sensors in terms of the audible?

**Mr SCRUBY**—Yes.

**The CHAIR**—You don't mean the brake assist where the car automatically detects something that's either on the front or the back?

**Mr SCRUBY**—I think that would still be useless. If the sensors can't pick up the child before you hit them, then the brake assist won't work either.

What I'm saying is the only way to know when you can safely reverse is when you can see everything behind you and apparently there was a study done in America, in California. They put 21 children behind a large 4 wheel drive, did you hear about this one, they put a gentleman in the driver's seat and asked him to check his mirrors and check everything and he couldn't see one of them - 21 children.

Now that proves that reversing cameras are the only way out and we could mandate them. Within three years we could have all vehicles with mandated rear view cameras and I think that would be a great life saving device, particularly around carparks.
I was on A Current Affair two years ago and I promise you this happened. We were talking about the
 dangers of carparks and reversing 4 wheel drives and as we spoke a woman in camera reversed straight into
 the tree and all the leaves came off in camera as we were speaking. It could have been a child.

You hear so many parents tell you how they've just missed being run over in these carparks. So I think,
ladies and gentlemen, you've got a phenomenal opportunity here to make huge change.

As I say, Victoria usually leads Australia in initiatives in road safety. You led us in seat belts, you led us in
random breath testing, you led us in drug enforcement on the roads. You've led us in a lot of things and
come up with some creative ideas and I'm sure most other states will accept it.

The CHAIR—Any further questions? Thanks very much for your help.

Mr SCRUBY—Thank you.

Witness withdrew.

Short adjournment.