

# TRANSCRIPT

## STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

### Inquiry into the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015

Melbourne — 31 May 2016

#### Members

Mr Joshua Morris — Chair

Ms Colleen Hartland

Mr Khalil Eideh — Deputy Chair

Mr Shaun Leane

Mr Nazih Elasmr

Mr Craig Ondarchie

Mr Bernie Finn

#### Participating Members

Ms Samantha Dunn

#### Staff

Secretary: Dr Christopher Gribbin

#### Witnesses

Mr Steve Spalding, Executive Manager, Technical and Safety Policy, and

Ms Genevieve Graves, Manager, Sustainable Transport, Royal Automobile Club of Queensland (*via videoconference*).

**The CHAIR** — I will begin by declaring open the Standing Committee on the Economy and Infrastructure public hearing, and thank you to our witnesses in Queensland who have agreed to provide testimony to our committee. I will just explain that the committee is hearing evidence today in relation to the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015, and the evidence today is being recorded. All evidence taken today is protected by parliamentary privilege. Therefore you are protected for what you say here today, but if you go outside and repeat the same things, those comments may not be protected by this same privilege. Once again, thank you very much for agreeing to provide evidence to our committee. I might ask you both to state your name and the capacity in which you are appearing before the committee today, and then I will invite you to make any introductory comments, which we will follow with some questions from the committee. Over to you.

**Mr SPALDING** — Thank you. Steve Spalding, executive manager of technical and safety policy at RACQ.

**Ms GRAVES** — Hello. I am Genevieve Graves. I am the manager, sustainable transport at RACQ.

**The CHAIR** — Thank you. If there are any introductory comments, please begin those now.

**Mr SPALDING** — Thank you. RACQ thanks the Victorian economy and infrastructure committee for the opportunity to provide input to this inquiry into the Road Safety Road Rules 2009. RACQ considers safe cycling a road safety priority. RACQ offers the committee our insights into how bicycle passing distance rules have been introduced in Queensland and some suggestions as to how community engagement and education messages could be addressed if Victoria does look to introduce similar legislation.

RACQ provided the Queensland parliamentary committee with evidence prior to the introduction of bicycle passing distance legislation and continues to engage with the Department of Transport and Main Roads, and the Queensland Police Service through regular stakeholder consultation meetings. We also engage routinely with other stakeholders on bicycle safety, including Bicycle Queensland, the Amy Gillett Foundation, CARRS-Q and other smaller bicycle groups, and we are a strong advocate for the safety of all road users, including raising the awareness of bicycle safety and the related road rule changes that flow from the introduction of minimum passing distances in Queensland. We do not offer the committee a view on whether or not Victoria should introduce similar legislation as we believe Victorian stakeholders are best placed to consider the merit or otherwise of doing so.

In welcoming any questions from the committee on our experiences of bicycle safety in Queensland, we suggest the committee consider the following in relation to public education: the importance of raising awareness of why bicycle riders are vulnerable road users and why they need to be given safe passing distances; why if there is any introduction of minimum passing distances it is considered necessary as a specific road safety solution and what, if any, changed road rules are introduced and how they would affect road users; how all road users can better share the road, improve courtesy and reduce friction between road user groups; and lastly, how other road users can be educated on the practical aspects of any changed road rules — for example, sharing on narrow, busy or congested roads, crossing white lines for instance.

**The CHAIR** — Very good. Thank you. Ms Graves, were there any introductory remarks that you might like to make before we move to questions?

**Ms GRAVES** — No. I am happy to move to questions.

**The CHAIR** — Fabulous. Thank you. I might begin with a question that relates to the RACQ's view of the law prior to introduction and since its introduction. I am just hoping you might be able to enlighten me on what it was that brought about your organisation's change — initially opposing the law change and now appearing seemingly to be in support of the rule change once it has been implemented?

**Ms GRAVES** — Initially RACQ was opposed based on our belief that courtesy and educating for improved road sharing was a more effective approach. The evidence is not strong in terms of overseas jurisdictions where the distance rules have been introduced. We no longer oppose the 1-metre rule in Queensland given that it was introduced and during the trial we did not see the adverse effects that we had anticipated, but we also believe that it is better to support bicycle rider safety primarily with a common message rather than to just keep challenging it on the basis that it was difficult to enforce the road rule.

That was the key to our opposition to the road rule — that we do not like road rules that are unenforceable, and we do believe that it is very difficult to enforce a road rule that is about 1 metre distance. When do you enforce it? Is it when somebody breaches the metre because they have had a collision with a bicycle? There is probably something else to look at there. The second question, in terms of bicycle safety, us having a message that was dissimilar to what was then run by other organisations is not improving bicycle safety, so we took a deep breath and said, ‘Okay, we support the road rule’.

It is difficult to say whether it works evidentially, because the CARRS-Q evidence is not very clear on that, but anecdotally people do believe that it has worked, and that is coming both from bicycle riders and from car drivers that they have a better understanding.

**Mr SPALDING** — If I could also just add to that, one thing we learnt during the trial period and leading into the trial and then post the trial is that it is very difficult to communicate safe messages to the community in something that is a very emotive or frictional area. We find that there are high levels of animosity between the extremes of the different road user groups. Even though that is probably not representative of the bulk of those individuals, nevertheless at the edges there are extremes. It is about having a common message, putting that cycling safety message about reminding all motorists and road users of courtesy, sharing the road and those types of messages.

**Ms GRAVES** — One of the interesting things that we found — we did some research in May last year generally of about 1000 Queenslanders around mobility generally but we did check around bike users’ and road users’ safety and what people’s understanding was of the road rules. In that research 30 per cent I think — I will just check my numbers — did not know that drivers were allowed to cross double lines to overtake a bicycle. That was after government had felt that they had put a lot of information out there to drivers to say, ‘You can cross lines to give the metre distance’.

**The CHAIR** — My next question was going to lead into the importance of an education campaign to be matched with any law change that may occur. How important is that education campaign, and what does the best education campaign look like?

**Mr SPALDING** — That is absolutely essential. I think there are two aspects to that. One of them is raising awareness of why cyclists need to be kept safe and the messages that go with that. But at the same time, as Genevieve said, it is about making sure that you educate road users on change to road rules. If they do not understand the rules or they misunderstand them, they will naturally have a critical view of others because they think they are doing something wrong when they may not be. For instance, the allowance in Queensland to cross a solid white line to overtake a cyclist if it is safe to do so. It does not mean that you can under any circumstances. Those sort of things need to be understood, and that is why education is very important.

**Ms GRAVES** — But we are not really in a position to say this is the best sort of campaign. That is up to marketing specialists and different groups who run safety education campaigns to say, ‘We will look at that’, I guess.

**The CHAIR** — Certainly. Mr Eideh, do you have a question?

**Mr EIDEH** — I have a couple of quick questions. First, do you believe enforcement of minimum passing distance rules has been successful in Queensland? What improvement can be made in this area?

**Ms SPALDING** — I suppose the CARRS-Q research from [inaudible] an improvement in passing distance — that is from my memory. There were certainly no, to our knowledge, adverse outcomes from the two-year trial, but again I think it is about having a simple, consistent, reliable message to the community for all road safety stakeholders, as I said. Genevieve made the point as well that if you have mixed messages or conflicts in views, then I think it undermines a strong, simple message about cycling safety.

**Ms GRAVES** — Are you speaking with Queensland police as part of your — —

**Mr EIDEH** — Yes.

**Ms GRAVES** — I think they could tell you about their enforcement strategy. As we say, it is difficult for them to judge a metre, and for drivers too, so it is probably better to ask them I think.

**The CHAIR** — Yes. We have not had them, but the Queensland police would certainly be a good organisation to speak to about the enforcement in particular, I imagine.

**Mr EIDEH** — My next question is in regard to Queensland police. They have suggested that the minimum passing distance may have made cyclists less cautious. What is your view on this, and what could be done to prevent this?

**Mr SPALDING** — Look, I do not know how that would be measured unless they have done research work. We are not aware of that.

**Ms GRAVES** — That is the first time I have heard that view that it has made cyclists less cautious. My work with cycling groups and with groups of cyclists is that generally they do not seem to [inaudible] — it might be that some of them use the road more than they used to. In Queensland you are allowed to ride on the footpath, so we have footpath cyclists and maybe there are cyclists who now use the road rather than just riding on the footpath. But I have not heard anywhere anybody saying that cyclists are less cautious.

**Mr SPALDING** — Look, I think I have answered that. The reason you need good road safety and sharing messages is because you are trying to get behaviour change from all road users. So you need vehicles to give cyclists more room and safer passing distances, but you also need cyclists to appreciate that there will be times when they can help the traffic flow by stepping aside and allowing that movement to free up. It is something that we labour, because we think it is very important. This goes right back to our early comments to the Queensland parliamentary committee, which is that we need to address road safety and sharing right from the start.

**Ms HARTLAND** — Can I ask about cyclists being allowed on footpaths? Did that happen at roughly the same time as the passing laws?

**Ms GRAVES** — No, bicycle riders have been allowed on footpaths for quite a long time — for decades.

**Ms HARTLAND** — Right. Clearly you have said that at the beginning you were not supportive of this, but you have seen clear benefits of it since it has occurred?

**Mr SPALDING** — Well, I suppose one measure that I think I could call on is that there has been a reduction in the level of what you might say is conflict. So if you use feedback measures such as social media, Facebook, not just to our site but to other sites, I think in the early days there was a lot of conflict and a lot of very aggressive messaging. I think over time that has settled down a bit, and I think some of that would be partly to the continued messages that have been rolled out to help create this more, I suppose, moderate thinking around safety and so on. And maybe people have just learnt to accept that there is now a need to road share because there is a road rule that underpins that requirement.

**Ms HARTLAND** — With that aggressive behaviour, or the tension, can you describe that a little bit more, about what was happening?

**Ms GRAVES** — Well, I guess that is [inaudible] car drivers and bike riders believe they can share the road appropriately. My understanding of what happens is that there are times when cyclists are on the road and they have near misses with cars or whatever and they become quite aggro about that. I will often hear from car drivers reports of cyclists who kick their cars or things like that. I do not hear that as often as I used to, and this is all anecdotal, but, you know, that is the sort of thing that happens less.

In the first instance bicycle riders are probably not having as much adrenaline through their riding experience because they are not having the same close calls as they might have had. For car drivers the impact of the 1-metre rule is that it has given legitimacy to bike riders on the roads in Queensland. It is not those extreme groups that have antagonism that have changed their view in fact; it is more that everybody else believes that they are legitimate road users et cetera. That discussion will happen. I think that we have less incidents that are just about it is almost road rage between car drivers and bike riders because it is not an acceptable behaviour, whereas perhaps prior to the 1-metre rule there were more car drivers who believed it was an acceptable behaviour to be cranky about bike riders on the road.

**Ms HARTLAND** — And in terms of the messaging that happened after the law comes in, people have talked about how you can have an education campaign without necessarily having the law. Do you think you can do one without the other?

**Mr SPALDING** — I think something to consider is that in Queensland it unfolded very much after the announcement of the road rule change and then there was a need to catch up with that positive education. So it was clearly the wrong way around. We strongly advocated that it be the other way around — that you create positive thinking around this need for road safety and sharing, and then a road rule may complement that. I would suggest to the Victorian committee that wherever possible you place education before any road rule or even consideration of it.

**Ms HARTLAND** — So if we were to change the law, you would suggest that we have maybe a three to six-month lead-in time with a really strong social media and media education campaign for riders and motorists?

**Mr SPALDING** — Possibly even with a six-month period or something like that that may even give you an opportunity to re-evaluate whether you even need a road rule change. We did not have the option of gaining that assessment because of the order of how it unfolded in Queensland.

**Ms HARTLAND** — When we had evidence from Queensland University, they also told us several things that they felt that they had missed — especially having baseline data before you start so that you can have a really good comparison of what was happening and what is happening. Obviously we have quite a few things to learn from Queensland.

**Ms GRAVES** — Yes. I think the other thing to remember is that QUT did not have the baseline data, but it is also difficult because the number of incidences is quite low anyway — I mean, depending on what you are actually looking at. I am not sure how it happens in Victoria, but our data that is collected in hospitals or by the police is not particularly adequate if you are trying to get a good understanding of what happened in the incident when there is a collision, because the levels that the police will attend are actually either based upon the level of damage or the level of hurt.

But the majority of bike rider accidents or crashes — well, the serious ones — do hit those levels, but you are actually talking about the ones that, depending on what happens in Victoria, are outside of those levels, which makes the whole baseline quite difficult because what you are then talking about are the deaths and serious injuries that actually get to being considered as a part of the baseline data because it is collected regularly.

**Mr SPALDING** — If I could just add that I think it is so important that the message is managed properly. It is still a topic, I think, that will flare up quite easily, and it can be as simple as just a media article and then the risk is that all these old views come back. The more effort that you can put into positive road safety messaging the more it will pay off down the track.

**Ms HARTLAND** — That was very helpful. Thank you.

**The CHAIR** — Excellent. Thank you very much. Can I thank both of you for providing the evidence that you have to our committee today. I will just let you know that you will be provided with a transcript of today's evidence for proofreading, and that evidence will ultimately make its way onto our committee's website. Once again, thank you very much for providing evidence to the committee today.

**Ms GRAVES** — Thank you.

**Mr SPALDING** — Thank you.

**Witnesses withdrew.**