

TRANSCRIPT

STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

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

Melbourne — 30 May 2016

Members

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Witness

Mr Rob Spence, CEO, Municipal Association of Victoria.

The CHAIR — I declare open the Standing Committee on the Economy and Infrastructure public hearing and welcome everybody who is present here, especially you, Mr Spence. I will just explain that we are hearing evidence in relation to the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015, and the evidence today is being recorded. All evidence today is protected by parliamentary privilege. Therefore you are protected for what you say in here today, but if you go outside and repeat the same things, those comments may not be protected by this same privilege. Once again, we welcome you, Mr Spence. I will hand over to you for any introductory comments, and then we will have some questions from the committee.

Mr SPENCE — Thank you for the opportunity to speak to you today. I have to apologise that my expert on this issue is not here. He had a collision with a car on his bike, and he has got a spiral fracture to his right arm that has just been repaired. That comes off an accident six months earlier than that when a pedestrian walked off the footpath in La Trobe Street and he ended up with a head clash and a compressed fracture of the eye socket. It says bicycles and complex issues. I am sorry I have not got him with me, because he is really the expert in this space.

Just to work through the issues, you would understand that local government is the road authority for about 84 per cent of all roads — so significant involvement in road issues, transport issues and road safety. In relation to this piece of legislation as proposed, we support the intent of it on the proviso that it is practical and it is enforceable. We have read the submissions that have come in that are wide and, I think, really raise a significant number of issues on the questions around passing and overtaking, narrow roads, cars crossing the centre-line and passing bikes, and how do drivers know where 1 or 1.5 metres is — on it goes.

I suppose our view is that this is an issue that has to be dealt with. We think that there are potentially two paths. One path is an education path, because we would say the education in this space has been pretty poor. It has been quite useful in actually looking at this issue, because I had to do a short up-spec on my knowledge of the road rules and how they relate to bikes, and I learnt a bit about what I did not know in relation to dealing with bicycles.

We think you can either have legislation and a comms strategy, or you can have a comms strategy. We do not have a view on which one is the appropriate way to go, but we think the comms strategy needs to be wider than just the passing or overtaking distances. It needs to be a more comprehensive strategy about the relationship between cars and bicycles, and pedestrians and bicycles, as we have with pedestrians and cars, and general road safety around cars through the TAC campaign.

We also think that if we are going to legislate — and there are strengths in doing that — you would want national legislation. We have seen very effective outcomes in the tobacco space with legislation without strong enforcement, so there is potentially merit in considering legislation without a hardline enforcement model. We have seen in the tobacco space almost no enforcement occur but generally people complying with it. It is really a question of the knowledge of what practice you should use. With tobacco it has been effective at beaches and it has been effective at sporting grounds and playgrounds and in restaurants and so on without having a squad of people out there trying to police it. I know how testing this issue is in trying to find the way forward, because it created the debate amongst my staff and it was incredibly vigorous in terms of different views about the way things should be.

If I just come back to my key points. Definitely no matter what happens there needs to be a much better education program around bikes and pedestrians, bikes and cars. That is for all parties. The option remains for legislation, but we would say if you are going to legislate, try to have a consistent model operating nationally. We know it is bits and pieces at the moment. We know that there is potentially some direction coming out of the commonwealth about this issue, and we would say you should not have one model on this side of the Victorian border and just travel over into Moama and have a completely different set of rules. That is our position.

The CHAIR — Excellent, thanks, Mr Spence. You obviously spoke about a broader education model that may need to come out of this one way or the other, whether there is legislation or not. What would you see that adhering to? Obviously if there was to be education specific to the Metre Matters legislation, that would be incredibly important, but more broadly than that, what would that educational model look like? What else would it need to touch on?

Mr SPENCE — I think it needs to be around the issues around the relationships between bikes and cars, and pedestrians and cars. If we deal with pedestrians, there are issues around the fact that you cannot hear a bike. I

see it every night just over here with people stepping off the kerb or stepping off the tram stop to get to the station, and the bike rider is complying with the law, going up the inside lane, and people are walking into them. There is almost an accident a night, if not more than that. So there is an issue about how you communicate those sorts of issues.

Then there is the relationship with cars and, when you are on the more high-speed roads, what sort of clearance there needs to be. I think issues around who has right of way with left-hand turns, with bikes coming up the shoot lane basically and cars turning left. Again in the inner-Melbourne area, I just go up to Victoria Parade and Brunswick Street of a night. It is a horror stretch. Gertrude Street is exactly the same, where you have got a very tight space for bikes on the left-hand side and cars turning left. At the moment I do not think people really fully understand the way the rules operate in relation to bikes. I am not criticising the bike riders here; we are all in this together. I think it is actually creating the sort of playing field that we are operating on together.

The CHAIR — I think that is something that we have heard from many witnesses already. It is about that relationship between driver and rider and the fact that riders are legitimate road users and should be treated as such by everybody — pedestrians, motorists and the like.

Mr SPENCE — We have made a big shift, haven't we? In the 50s there were stacks of bikes and not many cars. Now there are stacks of cars and stacks of bikes. Trying to get them to work together and retrofit a road structure that was not built to handle bikes and cars at the same time is a challenge. We would argue that a serious deficiency in the process at the moment is how we deal with those areas like Melton, Wyndham, Casey, Cardinia, Whittlesea, where we have got massive development occurring. Ninety babies are born each week in Wyndham. There is a whole lot of bike riders coming out of there, and yet what infrastructure is in place? We are building stuff with no infrastructure for bikes or pedestrians, really.

The CHAIR — That leads into my next question: what is it that councils can do? What pressures are put on council to deliver that infrastructure? Is there a better way to deliver that infrastructure rather than leaving it to individual councils, who are suffering through rate capping? You can ignore that last bit, I was just doing that —

Mr SPENCE — There was a point score. We do not want to get into that.

Mr LEANE — He took my question.

Mr SPENCE — I think the challenge the councils are having — and we were just having a discussion about it before this session started — is that in the outer Melbourne areas we have got out-of-sequence developments occurring. Inside the development the road infrastructure might be fine but the connective infrastructure to the main roads or the railway station and so on is not there. I think it is in Wyndham that there are, I think, about 26 out-of-sequence developments occurring at the moment. There is a stack of them in Casey. If you want to get the infrastructure apart from cars and potentially buses in place, then that interconnecting infrastructure needs to be there.

Also the councils need to think, when they are approving the plans for residential developments, how you deal with pedestrians and bicycles. I have to say that when I was a CEO of councils in the west, when I look at what we did under my guidance as a CEO, I am appalled at some of the stuff we allowed to happen out there, where public transport was very poor. Everyone has basically got to use a car. There were no footpaths; there was a nature strip. Cars all parked on the nature strips, the roads were so narrow. It was a really difficult space. We need to overcome that problem, and that is about the councils really thinking these issues through, I think.

There is a strong drive in local government to resolve it, but with the amount of development that is occurring in outer Melbourne, it is hard to stay on top of it. That would be my proposition.

The CHAIR — It is about that mindset change, though, in terms of what we prioritise, what is important for us. Is it having the sprawling development, or is it important to have that connection first to facilitate good transport throughout those communities?

Mr SPENCE — We are going to have problems with these communities in the future if there is not decent transport and there is not decent interconnectivity. You do not want these areas just saturated with cars because people have no other form of transport available to them.

Mr LEANE — Thanks, Rob. You touched on something around pedestrians and bikes which I think we have had a bit of a conversation around, but you introduced it quite prominently. Discussions you have had with councils around shared-use paths, so off road — and I think they are a fantastic thing — to me I do have concerns sometimes around the interaction between the pedestrian and the cyclist on those paths. Have you had any discussions with your members around that?

Mr SPENCE — We are the insurer for the vast majority of the councils, and we have had some horrendous insurance issues to deal with, with bike-on-bike collisions mainly, and this can be caused because you have got older infrastructure in place where they are narrower than current standards. Some of them have been inappropriate. They were the right design for the time but not the right design now, and I think, as the insurer for the councils, we see this as a really high priority issue to ensure that the bicycle paths are safe, the joint use — pedestrians and cyclists on the paths — is appropriately differentiated and is safe for all the parties. It is a bit like the road issue, though, in that you put one in 15 years ago and the environment changes. We have reached agreement with Melbourne Water now on access to their land to do bike paths under particular rules, and that has been quite successful.

Mr LEANE — So are all of those paths shared-use paths?

Mr SPENCE — A lot of them are, yes. I could get you the details of what is and what is not if that is helpful to you.

Mr LEANE — Yes, it is interesting because I would imagine pedestrians on the shared-use paths would have some angst towards the cyclists similar to the cyclists having the angst to the motorists on the road, so it is interesting. I think it might be an aside, but I find it interesting. An education program, I think we have all discussed, would be a good thing. It would probably have to be something that would be pretty continual — that is the problem — but if there was a minimal cost or no cost to councils, do you see a role for councils in that education process?

Mr SPENCE — Absolutely. The cost issue should not really come into it, I do not think. When I read the VicRoads/TAC submission — 20 per cent more likely to be injured on a bike than you are in any other way, other modes of transport — then it says to you that we have got to communicate those issues to the community. That is in broad-based advertising and promotion, and I think the TAC has the capacity to do that. But then you have the local programs. What we try to do at the MAV is to get the multipliers off state activity. So we will take a state idea, where they are promoting it, and then we will take it to the local area and spin it out again so the state gets the kick-on in the message. A good message from the state will influence the practices of councils, going forward — no doubt about that — as long as the message is consistent.

Ms HARTLAND — I have got a couple of questions. This morning we heard evidence from Charles Brown, from Rutgers University, and when the question was asked of him, ‘Can you just do education or do you have to have legislation and enforcement as well?’, he was really clear that there needed to be the enforcement so that people knew that there was a consequence. What do you think about that?

Mr SPENCE — If you take the tobacco issue, I do not think most people would know what the fines were or what the penalties were for a breach of the Tobacco Act — people just comply with it, and in the most difficult spaces, really. On a beach, in a marked-out area, most people would not even think about it, and also around playgrounds and sporting facilities. I think this is six of one, half a dozen of the other. You could go with legislation and a communication strategy or you could go with a communication strategy. I suppose our thinking was you would see what effect a communication strategy had, and if it was not effective, then you would go to legislation, but we think it should be national. It should be consistent nationally, that is the point.

Ms HARTLAND — I can understand your point about being consistent nationally, but you also know the pace at which national laws happen. I will be completely grey by the time we get any national laws on anything, so I think it is that thing about especially the bigger states, and I understand from evidence that Queensland, Tasmania and the ACT have gone down that track, so we cannot actually wait for the national. In terms of the responsibility of councils, what role do you see besides the education? What role do you see councils having in all of this?

Mr SPENCE — I think when actually planning the road infrastructure and the use of road infrastructure councils have a critical role. The fact that they have got 84 per cent of all roads means that they do have a

significant role, and that is about where you have bike paths, where you have it marked on the road, ensuring that there is a proper space, intersections that are properly dealt with, shoot lanes to get through some areas for bikes, bike paths where appropriate — it is the full mix. I think getting the messages right out of the state too will assist in the practices of councils in the way they do things. Very active councils in inner Melbourne generally, in relation to this space, and quite significant bike use. I do not think as obvious in rural Victoria.

Ms HARTLAND — And so obviously on the issue of money, this is going to be a major issue for councils, and there is not a lot in the state budget for bike infrastructure, and a lot of it, from what we heard at the PAEC hearings last week — of the \$10 million allocated each year, about \$5 million of that is going to actually be allocated to road projects rather than to bike infrastructure. What kind of money do you think is needed to make cyclists and motorists safe? But more so the cyclists.

Mr SPENCE — If I could answer that question, I could also walk across Port Phillip Bay, I would say. To make cyclists safe and retrofit the system is a very expensive proposition, I think. That is why I think the education bit is the critical bit. We have got to retrofit as best we can the system to deal with what is going to be a growing level of traffic — it is not going to get less — so I think get the education bit right and then get a pool of funds that can assist, and then pick the critical targets, you know. It is like any of these things, if we are dealing with landfills, there has got to be the critical targets, as you know, your space. And so pick the high-risk areas and try to deal with them and put some funding into it. I would not have a clue what the dollars would be.

Ms HARTLAND — Is there any assessment across the state being done within local councils of what that would be?

Mr SPENCE — Councils would have a pretty good — —

Ms HARTLAND — Individual councils.

Mr SPENCE — Individual councils in the metropolitan area I would suggest would have a reasonable understanding. We could collect some information if you want us to.

Ms HARTLAND — I think that would be really helpful.

Mr SPENCE — Yes? Okay. This is data on risk spots with bikes?

Ms HARTLAND — Yes. Coming back to issues of education versus enforcement versus legislation and enforcement, what difference do you think it would make if we just had education without the enforcement? I know you have given us that tobacco example, and I actually think tobacco is somewhat different and I think it has worked really well. It has been a very good self-exclusion kind of process for smokers, but this bill is different because there are real risks to people in terms of injuries, so we need an ability to be able to say to a motorist, 'No, this is not on. You have actually endangered someone and there are consequences'.

Mr SPENCE — Yes, I understand the point you are making in relation to setting the limits within legislation, and, as I said before, I think there is no right or wrong in which way you go in this. I will give you another example. I sit on the safety around schools panel with the secretary of education, VicRoads and a representative from transport, and what we found there from an example at Moonee Valley, where they have a really good model operating, is that the parents actually do not fully understand how they should be behaving when they are dropping off and picking up kids from school. There are no ground rules set for them, so you get some pretty chaotic behaviour — even breaching parking and traffic rules. In that case, we are looking at what can be done in an education sense rather than a policing sense.

Now that is a like example. Will it work in Moonee Valley? It has. It has been highly successful. It has got kids walking, walking school buses operating again effectively, kids riding. We have got safe routes to ride. They know where the routes are. They ride together. They walk together. No matter what you do, I think the advantage of effective communication so people know what is expected of them is the potential option. But again, if there was legislation and communication, then there is. It is hard to police, but yes.

The CHAIR — I was just wondering: when roads get to a certain amount of traffic, VicRoads takes control from local councils — —

Mr SPENCE — Well, sort of — if they have got enough money.

The CHAIR — In an ideal world that happens. What about if there were an instance where bike paths were similar to that — instead of being under the control of a local council, if there was a certain amount of traffic or if a certain indicator was hit, VicRoads took care of bike paths? Does the MAV have a particular view on that?

Mr SPENCE — I am sure our sector would be very happy!

The CHAIR — Any opportunity, yes!

Mr SPENCE — Well, not just that. Some of these bike paths travel from municipality to municipality. They are complex, and multiparty involvement in it sometimes does not work. One of the accidents we had, a really serious accident on a bike path, was at the interface of two councils, where they had slightly different arrangements. On high-use bike paths you could see some advantage in having a central body responsible for it.

The CHAIR — Has that been discussed previously, do you know?

Mr SPENCE — There are issues the state would not naturally want to get too close to, I do not think. It is about balancing who has responsibility for what and how much it is going to cost.

The CHAIR — Thank you, Mr Spence, for coming along and providing evidence today. I will just remind you that you will receive a copy of the transcript of today's evidence for proofreading, and that transcript will ultimately be made available on the committee's website. Once again, thank you for coming along.

Witness withdrew.