

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

Mr Joshua Morris — Chair

Ms Colleen Hartland

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Mr Shaun Leane

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Participating Members

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Secretary: Dr Christopher Gribbin

Witnesses

Ms Robyn Seymour, Director, Vehicle and Road Use Policy, and

Mr Con Stasinis, Acting Director, Network Policy and Standards, VicRoads; and

Ms Samantha Cockfield, Senior Manager, Road Safety,

Ms Elizabeth Waller, Manager, Strategy and Programs (Road Safety), and

Mr Michael Nieuwesteeg, Manager, Research (Road Safety), Transport Accident Commission.

The CHAIR — I declare open the Standing Committee on the Economy and Infrastructure public hearing and welcome all of our witnesses present here this afternoon. The committee is hearing evidence in relation to the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015, and the evidence today is being recorded. All the evidence taken today is protected by parliamentary privilege, and 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. At this point I might hand over to your good self, if you would not mind, to introduce yourself, and perhaps your colleagues can introduce themselves as well, and then move on to any introductory comments.

Ms COCKFIELD — Samantha Cockfield, senior manager, road safety, TAC. Thank you for having us today. It is a pleasure to be able to present to the committee. Before I start I might allow each of our group to introduce themselves, starting with Liz at the end.

Ms WALLER — Hi. I am Liz Waller. I am the manager, strategy and programs at the TAC in road safety.

Mr NIEUWESTEEG — I am Michael Nieuwesteeg. I am research manager.

Mr STASINOS — I am Con Stasinios from VicRoads. I am the acting director, network policy and standards.

Ms SEYMOUR — I am Robyn Seymour, the director of vehicle and road use policy at VicRoads.

Visual presentation.

Ms COCKFIELD — To start with, we thought we might just talk a little bit about the context in which we come here today as road safety agencies. We come having just launched the Victorian government's new road safety strategy, Towards Zero. It is a far-reaching strategy with, for the first time, an underlying premise that nobody should be killed or seriously injured on our roads, and it sets out a long-term strategy to actually achieve it. When we say 'nobody' we actually mean 'nobody' — so that is, every road user group, we hope, will actually be protected long term by this strategy.

The two agencies represented here today have different legislative responsibilities. The Transport Accident Commission, who I represent, is guided by the Transport Accident Act 1986, and primarily in this regard we have responsibility for promoting road safety. Generally you see that through our campaign and our public education work but also a range of other initiatives that we take, and we can talk about those later.

VicRoads has slightly wider legislative responsibilities, one being the road rules, which we are here to speak to today. They are also the lead agency for road safety in the state, and of course also work within the Transport Integration Act, which really is requiring them to provide a transport system that provides for all modes of transport and supports active transport to create a sustainable, healthy and prosperous community, but we are all here to do the same thing.

Apart from Towards Zero, which is the state's road safety strategy, there are also a number of other strategies and documents that talk about the safety, particularly of cyclists, one being *Plan Melbourne*, which is fairly important and which we are quite aware of, and another one we are aware of which again will support the safety of cyclists is the state's cycling strategy, which is currently being refreshed.

I think probably the most important context here is to think about some of the initiatives that our agencies through government have committed to in relation to cycling safety specifically. The largest of all is the Transport Accident Commission's Safe System Infrastructure Program. Within that, the current commitment is about \$1.4 billion. Within that, there is specifically \$100 million set aside for a Safer Cyclists and Pedestrians Fund. It is worth noting that a lot of the infrastructure improvements that we are doing with that safe system infrastructure program will actually work to protect cyclists as well as other road users, so whilst not specifically dedicated to that, it does have ongoing benefits for all road users.

The other thing to note is that the government — and you may have heard this from other groups — has set up Active Transport Victoria, which is to start on 1 July this year. This is going to be a new division within the Department of Economic Development dedicated to increasing participation and safety amongst cyclists and pedestrians across Melbourne and the region. So we come to you as partners in road safety dedicated to the

safety of all road users, including cyclists. Moving on, we might allow VicRoads to start talking about movement and place.

Mr STASINOS — I was just going to give you a bit of an update as to what VicRoads is doing now in terms of some of the new framework that we are working towards. We have got this new one called ‘movement and place’ that we are working on at the moment. It is aiming to provide guidance for traffic and how we deal with road planning.

If you look at the top picture there, that really shows the Monash Freeway. That is all about movement — that is, trying to get cars and freight through — but once you start moving into the place component, areas such as, for example, Chapel Street are becoming places, and we deal with them differently to how we would Monash Freeway.

In terms of bicycle networks, I want to give you a bit of an outline as to how things have changed over a number of years. Back in 1994 we developed the principal bicycle network, which was really a network of existing and proposed cycle routes that could be used. Over time that has been refined, and the inner circle there on the slide— the second-biggest circle showing bicycle priority routes — was the next stage. Then came the more important bicycle routes linking activity centres, and where we could get a degree of separation. In recent times, as part of *Plan Melbourne*, we are focusing more on our strategic cycling network, which is really linking employment corridors and where we are starting to get mass movement of bicycles and really trying to promote those sections, and make them as safe as possible, of course.

We recognise that in some of the inner areas we have got constrained environments, so we have got narrow roadways and we have got parking. In terms of some of our newer communities that we are building out in the growth areas, we are trying out in the growth areas to start designing, well before houses come in, how we can set up our primary arterial roads and our secondary arterial roads so that we get cyclists off road as much as possible and have dedicated bike lanes outside of the road environment. That is what we are ultimately aiming for, for our road networks moving forward, recognising that in some instances we might have on-road cycle lanes where we are trying to connect important areas. But as much as possible we are really trying to get high-quality, off-road cycle lanes and get the cyclists away from the traffic lanes.

In some built-up areas — for example, in the inner areas — where we do have available road space, we will try as much as possible to have separation for our cyclists. For example, on the left-hand side there is a great outcome is when you can separate the cyclists from the cars and the parking, so they have got their own facility, which is also represented on the one on the right-hand side there. It is just recognising that we are allowing sufficient distance for cyclists as much as possible away from traffic to connect to certain areas.

We are recognising that in some of our inner strip-shopping centres — and this is a picture of Glenferrie Road and Chapel Street, and Sydney Road would be quite similar — we have got a lot of things going on in these areas. We have got trams there, we have got cars, we have got parking and we have got high activity happening there. We have undertaken a trial where we are trying to get the cyclists to travel a bit more towards the right of the cycle lanes to avoid dooring, because we have got those sorts of issues that happen there. But you can see there how close cars would be to cyclists, and that is what we have got in a lot of our inner environments. We just wanted to show you a couple of pictures there of what it looks like.

Regarding our rural areas, if you look at the diagram down the bottom, that shows a typical rural cross-section, where we have got 3.1-metre lanes, for example, and 1½-metre shoulders. Where we have got a sealed shoulder, it is obviously better because a cyclist would be riding on the sealed shoulder, but many of our roads have unsealed shoulders, so they will be travelling on the road lane. I guess what we are trying to demonstrate is that cyclists and cars could be quite close in some of these environments as well.

The top picture is of centre-line barriers. Consistent with what is happening in some of the other states across Australia, centre-line barriers are going in where we have got a history of crashes. I guess what we are trying to show there is that, if you had cyclists there, again you are starting to have a bit of a constrained environment.

In terms of other things outside of infrastructure, we are also doing a number of other things to make cycling safer. We are undertaking a Cycling Road Rules Review, and it has revealed that some rules need minor amendment. It has also identified some rules that are complex that need to be rethought. We are working with our stakeholders, the community and Monash University to address some of these complex sets of rules.

Also social marketing can educate the community and reduce anxiety about different modes sharing space together. We have done some work, and we call it Travel Happy Share the Road. It is really trying to outline that we have got a number of different people using the road — cars, trucks sometimes — and how we can all work together to make it safer and travel happier together.

We are also practically doing a number of things out in the community, such as the picture on the right-hand side with Yarra Ranges council, to undertake a project of how we can get drivers to slow down around schools and do some other things in that space.

Ms COCKFIELD — In a similar way, the TAC is very keen to promote safe cycling and does a lot of this work through partnerships — working with cycling groups, particularly Cycling Victoria, UCI and the Amy Gillett Foundation. We have been doing this for many, many years, because what we find is that peer-to-peer messaging and peer-to-peer work often are the strongest way to get ownership of messages and for messages to get across. Similarly, the Cadel Evans Great Ocean Road Race is a very well attended race not just by participants but also by spectators. It is a really good opportunity for us to get endorsement of key road safety messages to a group who are at least interested in cycling.

One of the other things that the TAC has done over the last year is had a small rubberised device that feels like a handle grip of the old type of handle grip that we had on our bikes when we were kids, which you put inside your door. It is a textile feeling and it has actually been developed to remind people to look over their shoulder and look out for cyclists in terms of car dooring, but also for cyclists to give to their motoring friends, who may not be cyclists, to start a discussion about safe cycling and really to look out for cyclists when you are opening your car door.

The other thing that the TAC does more generally is have a range of community grants. The community grants are available to all not-for-profit groups across Victoria, and cycling groups and groups interested in cycling are one of the key areas that have been successful in terms of gaining grants. You see there is about \$550 000 worth of grants being given out through that program. The average grant size would be about \$15 000, and I would say mainly around cycling education of some type, whether it be our CALD communities, older cyclists, young cyclists, but also local issues, so addressing issues in Geelong, the Barwon region, for example.

The local government authority grants program is a slightly different program, where local government and TAC work together so it is a matched grant program to improve infrastructure on local roads, and it is low-cost infrastructure improvements, so it is where local government has identified a need and we work with them to get that to improve infrastructure. That again can be for all types of road safety issues, but you can see there that again cycling has been quite a big recipient of those infrastructure grant projects, and often that will be things like filling in gaps between bike lanes, where you might have to come off-road, for example, between two bike paths, to try and make it safer. Again, small scale-type projects. Also under that grants program there is ability to develop strategies. So money is available to develop strategies, and we see that strategies with cycling involved have been numerous recipients of those grants.

We are really at the end of the presentation to you before we move into questioning, but you are aware of the recommendations we have made with regard to this inquiry. We of course would be happy to talk to you this afternoon in relation to any of those recommendations.

The CHAIR — Excellent. Thank you very much for your presentation. I might kick off with just a couple of questions with regard to, I suppose, cultural change and behavioural change, and I assume at the TAC that is an important part of what you do. There has been much discussion about the need for all road users to respect all other road users. What is going to be able to bring about that change in ensuring that motorists are going to be respectful of cyclists on the road?

Ms COCKFIELD — I think one of the things I just spoke about before is peer-to-peer work, and work at a local level. I think traditionally, when the TAC first started in road safety, we were particularly involved in mass media campaigns talking across the community, and they certainly still have their place. But now a lot of the issues that we face are much more localised and pertain to areas or groups. I think this is where we are actually starting to see working more intensively with the community, still providing messaging to the individuals through mass media, but where we are actually going to get the change I think is actually going to come at a community level. So working with community groups, working with local government and, I suppose,

supporting them to actually make the changes required or supporting the changes they would like is probably the best way we can go about that.

The CHAIR — In terms of these proposed law changes with the 1 metre, I think much of the initial discussion was that it would be very difficult to enforce. However, we have heard from many witnesses who have said that it is just the fact that the law exists in itself which brings about behavioural change and therefore keeps our cyclists safe on the road. I am wondering if you might be able to talk about — obviously difficult to enforce, but what is your view on the fact of just a law being introduced and whether or not it is easy to ensure that people who break the law are charged, that law in itself being a motivator for behavioural change?

Ms COCKFIELD — Look, I think Victoria has had a really long history of being able to support change, and change it more, and so being able to explain to the community what the issue is, so having the evidence base about what is the actual issue — the crash data, how the change is going to come about to actually improve things in relation to, in this case, cyclists involved in crashes — and how relatively easily people are going to be able to participate. So what is going to change and how they can actually be involved in that.

Law change is not the only way to change behaviour, and we have got some fairly good case studies — which are actually used internationally now — in Victoria where we have not immediately moved to changes in regulations or the law—that have been very successful, and I will point to one that I have particularly been involved in and in fact so have a few other people at this table. It was the introduction of a 120-hour requirement for learner drivers prior to licensing.

We found that evidence base very early coming out of Sweden that 120 hours of practice with a supervisor would improve crash outcomes by about 30 per cent for young drivers. We decided that the community was not yet ready for that change but that we had to provide the information to parents and learner drivers as that was, as best we knew, the evidence that was going to protect them. We went about providing that evidence through things like the VicRoads learner materials, TAC ran a public education campaign, highly successful in moving behaviour fairly early on, although there was some outcry because it was voluntary. It was a very big ask — moving from what was an average of about 35 to 40 hours to 120 hours. The community was being asked to do something very different, but recognising it was voluntary, people came along and people picked up the number of hours they were doing, and by the time the government said, ‘Well, if this is so important and it is working, why is it not law?’, it was introduced with absolutely no issues within the community.

So we have got some really good examples, I think, of being able to move culture and being able to move behaviour without necessarily introducing law. I think law is good where people understand it, can accept it and understand what they need to do very easily. Where they feel that they cannot always easily comply with the law is when you may get some issues.

The CHAIR — Okay. Indeed. It may be a question to our friends at VicRoads with regard to cycling paths. I was speaking with Rob Spence from the MAV earlier today and talking about the fact that once a road has a certain amount of traffic, it generally gets handed from the local council to VicRoads to maintain and look after, and I am wondering if there has been any views on cycling paths, as to whether or not, once there is a certain amount of traffic or the importance of a particular cycling path, it could be managed by VicRoads rather than the various local councils that that path might go through.

Mr STASINOS — Are you talking about on-road — —

The CHAIR — No, off-road.

Mr STASINOS — Off-road? Yes, that is a matter for VicRoads and the MAV to continue to work on in that space because there has been some discussion in the past about certain areas and who takes the responsibility, so I think that is a work in progress.

The CHAIR — Okay. So there have been discussions along those lines?

Mr STASINOS — There have been, yes.

The CHAIR — Okay, very good. Excellent.

Mr LEANE — So, Con, on your diagram, a width of a lane is 3.1 metres. Is that a standard width? So if we are going to build some extra lane on the Tulla now, they will be 3.1 metres?

Mr STASINOS — No. You see if we were going to build on the Tulla, we would probably be building around 3.5, so there is a range that we have for different types of roads.

Mr LEANE — Yes, I am glad you said that because I have actually been quoting 3.5 this whole reference.

Mr STASINOS — So the road standards sort of show the high-volume roads where we can. For example, for the construction of a new freeway, we will try to build it to 3.5 as much as possible, unless we are constrained — basically you cannot sort of buy any additional land — then you might slightly go down, but the ideal would be 3.5.

Mr LEANE — So what is the minimum width of a lane that you can go down to, I suppose, on a VicRoads road?

Mr STASINOS — Generally it is 3. Look, a lot of them go down to 3, but the absolute minimum would probably be around 2.9 or thereabouts. That is in a constrained environment, but generally you would aim for 3 and above.

Mr LEANE — And trucks are a whole different issue. You have got here that they are 2.4 in width as a rule.

Mr STASINOS — Thereabouts, yes, up to 2.5

Mr LEANE — Thereabouts. And a sedan is 1.8.

Mr STASINOS — 1.6, 1.7 or 1.8. It depends on the model and make.

Mr LEANE — It depends, okay. I just wanted to make sure I was saying the right thing.

Mr STASINOS — It is the 3.5 width.

Mr LEANE — The situation is that you have got that distance. If you are only talking about sedans, really there should not be an issue with vehicles passing a cyclist and giving them a metre-plus distance as they pass, without breaking the double lines if that were the situation.

Mr STASINOS — If it were 3.5.

Mr LEANE — If it were 3.5.

Mr STASINOS — Yes, and they were driving closer to the right-hand side, potentially. It is very close.

Mr LEANE — Yes. So in your recommendations you have a recommendation that you do not particularly want — correct me if I am wrong — to have any exemptions of anyone crossing parallel lines, like any exemptions.

Mr STASINOS — Correct.

Mr LEANE — Is that because — —

Mr STASINOS — So if we go back to the safe system that we were talking about, if we have got, for example, solid barrier lines in the middle of the road, they are there for a reason: we do not want cars to go across. We just feel it is safer. If we have solid lines, we should not diminish the road rules, I guess. If people start crossing that line, the solid line, then they might start doing it in other locations as well.

Mr LEANE — In your submission you mentioned Active Victoria.

Ms COCKFIELD — Active Transport Victoria.

Mr LEANE — I always get that wrong. Will there be a role for them around the safety of all participants on the roads, or is there any role there for them?

Ms SEYMOUR — I think the focus is going to be on cycling and walking in particular.

Mr LEANE — So there will be a role for them in this space, as far as pedestrian and cyclist safety?

Ms SEYMOUR — Yes. So my understanding of the intention of Active Transport Victoria is really to encourage active transport, both cycling and walking. Safety needs to be an element of that.

Mr LEANE — I appreciate that there are a number of good reasons to encourage people to be active in that way, particularly cycling, maybe to work into the CBD, because of obvious reasons, one of them being congestion issues. Do you think that there needs to be more education for motorists around the legitimate use of the roads by cyclists? I think that most of you might have been here when we were speaking to VicPol. The fact that a motorist just has to be patient, and if it means that they have to drive behind a cyclist at a safe distance and at a slow speed until it is safe to pass them, then that is actually their responsibility. Do you think there is a bit of confusion around that?

Ms SEYMOUR — I think you have raised two important points. One is around the appropriateness of sharing the road and the legitimacy of cycling. I think that there is tension between motorists and cyclists, and it is really important that there becomes better awareness and understanding and appreciation of each other's legitimacy — that cycling is a form of transport and an important form of transport. I think that was always part of the intention of the Travel Happy — Share the Road campaign. It was really to start that conversation with the community about the fact that we all need to share the road and actually if we do, we will all actually get there safely, it will be much more pleasant and it will reduce the angst if we are a bit more tolerant of each other.

The other thing is around road rules and people understanding what the road rules actually are. So one of the things that Con referred to was the Cycling Road Rule Review that we did, and one of the areas of recommendation coming out of that was the fact that there are a group of road rules that are not very well known by cyclists, by motorists or by pedestrians, and so understanding the responsibilities involved with each of the different road user groups is obviously really important to help manage some of that angst. One of the things that we are doing as an outcome of that work is to start promoting some of those lesser known rules, which we hope over time will help in terms of that appropriate sharing of the road.

Mr LEANE — So that is a Review that has been completed?

Ms SEYMOUR — Yes, we did a big review of cycling road rules, and the intention of that was really to look at are we creating an environment that supports safe cycling. It looked at a very broad range of cycling-related road rules. We looked at crash data. We did a literature review. We did in-depth interviews with lots of road user groups, cycling groups and motoring groups. Then we did a big community survey with 10 500 responses to that. From that there was a whole group of recommendations around cycling-specific road rules. Some were recommending some minor tweaks. Some areas where there is quite a lot of complexity around the road rules, which then is creating some issues around people's understanding about how to interpret those road rules and what should occur, particularly around situations like multilane roundabouts or left-hand turns. Then there was the third group, which was really around increasing awareness in different road user groups of those lesser known road rules.

Mr LEANE — So you are probably going to tell me that it is online somewhere, but could we have a copy of that review and those recommendations?

Ms SEYMOUR — Yes, certainly.

Ms HARTLAND — I have a huge number of questions, and we are already over time. I am happy to put them on notice, but I think it would be really good if we could have some more time today or another session, because we have only had half an hour. But I will start with a few.

In your submission you talk about, you know, infrastructure fixing the problem, but we have just had PAEC, and what was made fairly clear by the roads minister was that 100 per cent of the bicycle infrastructure would actually be spent on road projects, so we are a bit unclear as to why that \$10 million that is to be allocated for bike infrastructure now appears to be on road infrastructure, so that is my first question. Bike paths are associated with these road projects, but they will not actually be targeting the bicycle blackspots, except by

coincidence — the government said that if the western distributor is built, the Federation Trail would be completed, but it could be completed without the western distributor being done. I suppose my question is really: can the TAC guarantee that the money will not be spent on road projects but will actually be spent on bike projects? There seems to be a bit of confusion here between the minister and what we are being told in general.

Ms COCKFIELD — From the TAC's perspective, it is fairly clear that this \$100 million that has been put aside for bicycle and pedestrian safety is going to be spent on a range of projects for their safety. Some of that will be road work. Some of it will be on road; in fact I imagine most of it in fact will be road work, so I think the definition is still the same. If you are concerned that there will not be any off-road bike paths — —

Ms HARTLAND — Well, bike infrastructure in general, especially addressing what we already know are the blackspots.

Ms COCKFIELD — I think possibly we are actually talking about the same thing — the money set aside for bicycle safety. However we achieve that, whether it is actually on-road projects or off-road projects, the money is going to be spent on bike safety. I just think it could be the way it was actually articulated at PAEC, because it is fairly clear what the money will be used for.

When we talk about high-risk areas — we usually call them black spots — again, we will be looking across the state for those highest risk areas and that is where money will be allocated in the best way we can. I do not know, Michael, if you want to add anything? You might be more aware — —

Mr NIEUWESTEEG — There is discussion about whether that cycling and pedestrian infrastructure money is spent actually on-road or off-road, as in bike paths and walking paths — totally off the road environment. In that case we have not moved positions one way or the other: all the money goes to cycling safety and pedestrian safety. That would be about this particular road — we will make a separated facility on the road.

Ms HARTLAND — The minister was, I thought, quite clear in saying that it would be all road projects. I am happy to present that PAEC information.

I am just trying to trim down how many questions I have actually got for you. On 'the benefit of mandating a new law over providing the advice is hard to evaluate, given that no clear evaluations are available to inform this decision', we have had evidence from Queensland and we will be having evidence from the ACT and Tasmania. Queensland was pretty clear about the fact that they thought that this actually did. One of the important things was that it was cultural change in that people did accept that there needed to be a separation and that did change behaviour. So I am a bit surprised that you would say that there are no clear evaluations when there is one from Queensland.

MS COCKFIELD — Do you want to speak to that, Robyn?

MS SEYMOUR — There is the Queensland evaluation. In terms of Queensland, I guess there were quite a number of limitations to that study, the primary one being that there was no baseline data. So it made it very difficult for them to actually measure the change that they saw because there was no pre-data. Generally when we implement significant change we always like, in terms of evaluations, to have collected that pre-data.

They also talked about the fact that at this stage they have not got the injury and fatality data. They have not got enough to really make a decision about whether or not there were any safety benefits gained through the implementation in Queensland. I guess what we were highlighting was that there are some indications that there might have been some behavioural shifts in Queensland. Whether that actually has resulted in good safety outcomes, that evaluation is not able to determine that at this point. We are not aware of any other evaluations that have taken place that really in a quantitative sense can demonstrate whether or not implementing this rule does result in safety benefits for cyclists.

Ms HARTLAND — So what kind of information would you need? Rather than recommending that it is just all too hard, can you give us an idea of where the committee should start from in terms of the data that is required if the rule was to be changed?

MS SEYMOUR — So I think a lot of the data collection that Queensland did was sound. They needed it before, though, and then after and they needed more time. So that was primarily the problem.

Ms HARTLAND — Yes.

MS SEYMOUR — They needed the surveys pre. They needed to look at longer term data pre. I think the interviews with the police were useful and looking at the infringement and the broader crash data is really important post as well, but given the time frame it takes for hospital data to come through the system, they did not have any capacity to do that. We would need a longer amount of time in order to be able to collect that hospital data as well as the fatality data and really understand that plus all the infringement data before we could determine whether or not the rule had been effective in improving safety for cycling. We think you would need a minimum of three years in order to complete an evaluation effectively.

Ms HARTLAND — One of the things that was really clear from the Queensland evidence was that they felt that the thing that has happened is that even in motorists who absolutely hate cyclists there has been an attitude shift about you need to keep that separation. So I understand what you are saying about that. They were very clear about that as well, that they thought that was a flaw of not having that baseline. I suppose what I am looking for is: how do we make sure that we have those things in place to show that this would be effective?

Ms SEYMOUR — So before implementing this rule, we would need to do that baseline work — the surveys in particular — to really understand what is our current behavioural and cultural perspectives from cyclists, and then we would need to repeat that as part of the proper evaluation, to determine actually in quite an objective way whether there has been a shift in behaviour. Plus Queensland did the observational work as well, and I think that is really valuable. There were some limitations to that and having that pre and post would be really important in that context as well. I think their method was sound; it is just that because of the constraints in the way the rule was brought in and because of the time lines that were committed to around completing the evaluation it was not able to be as rigorous as perhaps they would have liked.

Ms HARTLAND — I have still got a lot, so how do you want to manage that?

The CHAIR — I am open. You can either put them on notice or we can see if we might be able to have an invite back. I do not mind. It is up to you.

Ms HARTLAND — I think it would be really helpful if we could have an invite back, if that was possible.

The CHAIR — Is that at all possible?

Ms COCKFIELD — I have just quickly checked; everybody has time now, so maybe — —

The CHAIR — I think we are okay if we go for another 10 minutes or something.

Ms HARTLAND — Yes. My next one is actually quite technical so I will try to make sure I am being as clear as I can. Your diagram on page 30 of your submission, and this is around distances — this is the VicRoads submission — shows a bicycle riding on the edge of the bike path with an open door to its left and a truck on its right. This bike rider is obviously in danger of sudden death if it swerves to avoid the car dooring. Obviously this would cause a fatality or a serious injury. How close do you think trucks should be passing the bicycle in this circumstance?

Ms SEYMOUR — VicRoads recommends a metre. In fact VicRoads and TAC's communication is all recommending a metre below 60 and a metre and a half above 60, because of the safety of the cyclist. That has been a longstanding recommendation by both our agencies.

Ms HARTLAND — So why not then say that we need to have this as law if it is already in all of your information? I note it is in your learner drivers booklet et cetera, yet 'the benefit of mandating a new law over providing advice is hard to evaluate' when it is already what you say is required. I am sorry; I am quite confused about this. Why not have it as law when it is what you already recommend?

Ms SEYMOUR — It kind of goes back to what you were saying.

Ms COCKFIELD — Yes. I think there is actually a range of reasons. One is that when we introduce new legislation, new law, we like to have a very solid evidence base. That is our starting point. We feel that the evidence base, while it is building, is probably not what we would call solid in relation to this. We are going to have the opportunity to understand whether it is going to become a more solid evidence base or not because, as we know, other jurisdictions are continuing to evaluate. That will build and we will have a better understanding.

The second is that we are not actually saying, ‘Do nothing’. We are talking about increasing the amount of public education. I think just in response previously when you were speaking about the cultural change in Queensland, if you look at the cultural factors in Victoria already, we have quite a strong understanding of A Metre Matters with very low-cost community-type education. Online education to community groups and some of that TAC support I was talking about before for people like the Amy Gillett Foundation has actually been around that Metre Matters and we have quite good understanding already. That is without a mass media campaign.

But I think the biggest concern for us all is that introducing a law where people cannot always easily comply may bring about more tension in a system where there is quite a lot of tension already between motorists and cyclists. If I just might comment that we have recently been doing market research. The TAC is consistently doing research within the community around a range of issues, but particularly recently we have been talking around motorcycle safety. What comes out when we are talking about motorcycle safety, before we get to questions about motorcyclists and drivers, is often concerns amongst cyclists and motorists. It is a real issue. There is tension, and we are very aware of it as agencies.

We did community consultation for the new Towards Zero road safety strategy. It came out strongly in those sessions as well. Introducing a law that may create more tension when we are still waiting to understand the evidence base better I think is premature. We are not suggesting we do nothing. We are suggesting that we continue and add weight to what we have already been doing in terms of public education in relation to the Metre Matters public education. I think we are not suggesting either that we would never recommend this as a change, but we are recommending that, given a number of jurisdictions have gone down this path in different ways, we actually wait and understand what the outcomes are and also what the outcomes of doing fairly dedicated public education are. As I said before, we actually have very good case studies where we have achieved a lot more than other jurisdictions through public education and trying to create that cultural change without creating tension because people do not feel they are being victimised in any way.

Ms HARTLAND — It is what is in your learner drivers handbook, it is what you recommended, but you do not think that we should do it as law. Can you explain to me what you define as tension? In the submissions I have read, especially from cyclists, the tension for them is being knocked off their bikes, being injured and possibly killed. So can you explain to me what you mean by the tension.

Ms COCKFIELD — As you say, it is a two-way street. If I think about things that have been recently said to me, certainly with cyclists it is definitely around safety, not being seen, particularly in intersections. You are totally right: it is concern about their safety and what drivers are doing. I think in some circumstances, and we heard it described before, it is where there may be deliberate action against cyclists, so doing something that endangers cyclists. On the opposite side, from motorists we hear often about cyclists doing things — running through lights at intersections, not riding where they might safely do so. Some of it does go back to road rule understanding — for example, where cyclists are allowed to ride two abreast and taking the whole lane; we know that is a legitimate use of the road, but motorists do not necessarily understand that — but also illegal activity by cyclists, and they are very concerned. We know that it only takes one or two people doing the wrong thing to create a large perception either side, but those sorts of tensions are actually there.

We have also done some in-depth research with our clients who have actually been involved in crashes. I do not know whether you want to add anything, Michael, from that work we did.

Mr NIEUWESTEEG — Not so much in terms of the perceptions of tension or anything, no.

Ms COCKFIELD — But where cyclists felt perhaps that motorists — —

Mr NIEUWESTEEG — We gave cyclists the opportunity to say one thing they think we should do to improve safety, and quite a number of them unprompted said a law of this sort. We are talking about 15 per cent or so. That was their unprompted response. Most of them were saying, ‘Build facilities. Do not expect us to ride

on the paths', or lower speed limits, but this issue about the passing distance is something people said without being prompted first.

Ms HARTLAND — How much evaluation or information would you need to change your position?

Ms COCKFIELD — I think what we would be really looking for is evidence that it provides a safety benefit — that is, that fewer people are being killed or seriously injured as a result of this law change. My understanding is that the longer term evaluations that are coming out will provide that evidence base. We will also be looking at the same issues if we go down the public education path. We will be looking at the same evaluation measures. What it will allow us to do is understand how far public education can take us, because we will be able to compare and contrast the evaluations of other jurisdictions with our own and understand, even if we do agree. I think clearly if something improves the safety of any road user group and does not disbenefit another road user group, we are going to be in favour of it.

We are here to actually reduce people being harmed on the road — that is our purpose for being — but we do not want to in-build other disbenefits. Even after the public education, if those evaluations prove quite positive and as a state we decide that is the path we want to take, even then we will be still better to understand, having done the public education first and setting ourselves up, how much further law can take us. I do not think there is any disbenefit in going down this path, because we will be looking to introduce the best law we can possibly in this state.

Ms HARTLAND — Sorry, I am still quite confused about your position, but I will leave it there. I do not understand how you can say that it should be A Metre Matters in all your material but you are not prepared to support a law that does that. I do not understand how you can do an evaluation until you actually have a baseline to do that, and I do not see how you can start doing it until you have the law. It does not make sense to me.

The CHAIR — Will you provide further questions on notice?

Ms HARTLAND — Yes, I have got quite a few.

The CHAIR — Ms Hartland will provide those to you. Thank you very much for your time and your evidence today. I will just remind you that you will receive a copy of the transcript of today's evidence for proofreading, and ultimately that evidence will be made available on the committee's website. Once again, thank you all for coming in today and presenting to our committee.

Witnesses withdrew.