

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

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 Mike Stapleton, Deputy Director-General, Customer Services, Safety and Regulation,

Mr Darren Mulholland, Senior Manager, Safer Road Users, and

Ms Deborah Evans, Principal Advisor, Safer Road Users, Queensland Department of Transport and Main Roads (*via videoconference*).

The CHAIR — I declare open the Standing Committee on the Economy and Infrastructure public hearing and welcome everybody present, both in and not in the room. Thank you to our witnesses for agreeing to provide evidence to the committee. The committee is hearing evidence today in relation to the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015, and evidence today is being recorded. All evidence taken today is protected by parliamentary privilege. Therefore you are protected for what you say today. However, if you go outside and repeat the same things, those comments may not be protected by the same privilege. At this point I might hand over to your good selves. If you would not mind just introducing yourselves and stating in which capacity you are providing evidence to us today, then you may move into your introductory comments and then we will have some questions for you once we have gone through all of that. Over to you.

Mr STAPLETON — I will open up. My name is Mike Stapleton. I am deputy director-general for Transport and Main Roads here in Queensland. I have with me today Darren Mulholland — Darren is senior manager for road safety — and I have Deb Evans to my left, who is principal policy adviser in the area of road safety as well. Thank you very much for the opportunity to present today. As you indicated, I will open up with an opening statement, which will hopefully summarise the majority of what we have to say, but obviously with questions and answers following that.

Thank you for inviting Queensland to present to this inquiry. As committee members will be aware, Queensland was the first Australian jurisdiction to implement safe passing distance rules for motorists passing bicycle riders that specified a minimum distance. This was initially implemented on a trial basis.

On 7 April this year the minister for road safety, the Honourable Mark Bailey, announced that the rules would stay. This decision was informed by an evaluation of the Queensland trial by the Centre for Accident Research and Road Safety in Queensland, more commonly known as CARRS-Q. I understand that Professor Narelle Haworth, who led that evaluation, has briefed the committee in detail on the evaluation and its findings.

The CHAIR — Indeed, yes.

Mr STAPLETON — I would like to refer the committee to the evaluation report as part of TMR's submission to this inquiry.

By way of background I would like to provide the committee with some background on why Queensland decided to implement this trial. From 2011 to 2013 there were a number of serious and fatal crashes involving cyclists and cars. This raised significant concerns in our community about the safety of cyclists on our roads and importantly what could be done to improve safety.

In response to these concerns the government established a parliamentary committee to investigate the issues. The Queensland Parliament's Transport, Housing and Local Government Committee's *Report No. 39 — Inquiry into Cycling Issues* was the formal response to that investigation. The committee formed the view that the concepts in road rules of sufficient passing distances demanded subjective judgement on the part of the motorist that did not always provide the level of safety required for bicycle riders, who are more physically vulnerable in the event of a crash. The committee recommended the introduction of a safe passing distance rule to clearly articulate and give motorists a standard for safe passing behaviour when interacting with bicycle riders on the road.

It recommended the rules be accompanied by supporting road rules, public education, awareness and infrastructure to create a holistic response to improving safety for bicycle riders. The government responded in support of these findings, and the rule commenced on a trial basis for two years from 7 April 2014.

The trial consisted of two amendments to Queensland road rules for, firstly, the safe passing distance and for the creation of acceptance of crossing continuous centre-lines to help motorists comply: in addition to section 144 of the Queensland road rules, which is keeping a safe distance when overtaking, a requirement for drivers of motor vehicles to provide cyclists with a minimum lateral distance of 1 metre when passing cyclists in a speed zone of 60 kilometres an hour or less and 1.5 metres when in a speed zone of greater than 60 kilometres an hour; and in addition to section 139, which is exceptions for avoiding obstructions on the road, an exception allowing drivers of motor vehicles to cross centre-lines even on roads with double unbroken lines, straddle lane lines and drive on painted islands as long as it is safe to do so for the purpose of passing a bicycle rider.

The penalty for motorists' breaches of the rule was set at 3 demerit points and a fine of 3 penalty units. A maximum fine of 40 penalty units can apply if the matter goes to court. At the same time the trial commenced, penalties for some cycling offences were increased to match the equivalent for motorists. For example, the penalty for failing to stop at a red traffic light was increased from \$110 to \$330, now \$353. Transport and Main Roads developed traffic signs for use in speed zones of 60 kilometres an hour and under and over 60 kilometres an hour to indicate passing distances. These signs are deployed throughout the state on local and state-controlled roads.

To complement the introduction of the new road rules the government launched the campaign 'Stay wider of the rider' one week prior to the commencement of the trial. The campaign ran for one month and consisted of online video, bus backs and billboards, radio and online advertising, and social media. TMR also provided a detailed fact sheet online explaining how the rule applies in various on-road scenarios. The Amy Gillett Foundation also ran a campaign promoting and advocating parallels to Queensland's trial, primarily through free media.

Importantly it should be noted that the minimum passing distance road rules were never proposed as a single solution to cycling safety, either by the committee or by the department. Other initiatives introduced subsequent to the government response to the inquiry included a legislative review of road rules relating to cycling; the 'Thanks Queensland' Share the Road campaign targeted all road users, not just motorists and cyclists, which happened in late 2014; the release of best practice standards and guidelines and traffic use and road use management manual updates for bicycle-friendly curb mounts and speed management on shared paths; and a priority cycle routes improvement program to help local government deliver priority cycling corridors.

TMR engaged CARRS-Q to develop a framework to evaluate the rule and implement the evaluation. I understand that Professor Haworth has already taken the committee through the evaluation methods and some of the key findings. Overall the evaluation found that despite some practical difficulties in implementation the rule has been effective in improving motorists' awareness of bicycle riders. This suggests the rule has benefits for road safety, although the evaluation was unable to establish this conclusively.

The evaluation examined the first 18 months of the rule's operation. It found that in this period very high awareness of the rule had been achieved — only 1.5 per cent of bicycle riders and 5.2 per cent of drivers said they were unaware of the rule; and an increase in motorists' awareness of bicycle riders — 56.3 per cent of bicycle riders and 43.1 per cent of drivers agreed or strongly agreed that, compared to 12 months ago, they were more aware of bicycle riders when driving on the road. Most bicycle riders, 94.7 per cent, and slightly more than half of drivers, 52.5 per cent, surveyed agreed with the rule.

The evaluation found some evidence of a statistically significant decreased trend in serious bike-related crashes from the start of the trial until October 2015. While this is preliminary and should be treated with caution, there is other evidence of a safety benefit. Queensland's Motor Accident Insurance Commission has advised that its claims data is showing that markedly fewer claims from cyclists injured from crashes involving motor vehicles are being received for crashes in 2015 than for the two years previous.

Transport and Main Roads considers the rule as one part of the overall approach to improving safety for bicycle riders and road users generally. Road infrastructure measures and public education campaigns will continue to complement this and other road rules. The road safety minister announced that the rule would remain in Queensland on 7 April this year, which was the anniversary of the two-year trial. Currently work is underway to refresh understanding of the rule post-announcement and act on some of the evaluation findings.

The refreshed 'Stay wider of the rider' campaign is underway. This campaign launched on 9 April and is scheduled to run until early June. Its aim is to reinforce awareness of the rule among bicycle riders, motorists and road users in general. It includes press, radio, online video, digital, social media, outdoor advertising, bus backs and petrol bowser advertising and other promotional activities.

In response to the CARRS-Q evaluation findings, campaign messaging includes reminders about the provision for drivers to cross continuous centre-lines, if safe to do so, to pass bicycle riders. To address the enforcement issues identified in the evaluation, the department and the Queensland Police Service have commenced work to investigate a trial of technology aids to enforce — for example, enforcement agencies in the United States have been trialling bicycle-mounted devices that accurately measure the lateral distance between a bicycle and

passing vehicle. The trial will look at whether these and other measures are accurate and easy to use and their evidentiary value. This work is at an early stage. In conclusion, I would be happy to take questions.

The CHAIR — Fabulous. Thank you very much, Mr Stapleton. We have obviously heard a lot about what is happening in Queensland as a result of the trial period and then it finally becoming law. I am interested to hear about what you think we in Victoria could learn from the experience that you have gone through, specifically whether or not a trial period is required. Is that the best practice to go through, or is it better if the will of the Parliament was to go straight into implementing the law as is? What is your view on that?

Mr STAPLETON — My understanding is the decision to take the trial was mainly because no other jurisdiction in Australia at that stage had actually undertaken such a measure. The trial was to see whether or not this would work in the context of Queensland at that point in time. I think whether you actually adopt the rule straight up or actually conduct a trial is really one for you to consider. In my view, at that time it was very much about the fact that no other jurisdiction in this country had undertaken anything of a similar nature. Whether or not you can collect enough evidence to satisfy yourselves that you just want to go ahead really is a call for the committee.

The CHAIR — Indeed. With regard to the crossing of the double white lines, that is certainly an issue that has been raised by many in terms of concerns around it. The double white lines are being treated with some sort of sanctity by some. I am just wondering if you might be able to express a view on how, if this law was to be implemented, to educate the community that it is okay to go over those double white lines for the short period of time that it takes to overtake a cyclist.

Mr STAPLETON — As you would appreciate, this caused a fair bit of discussion in Queensland at the time it was considered. I suppose we had extensive discussion with our road engineers at that point in time as to how this might work and the impact it may have, bearing in mind that the line markings that appear on the roads are laid down with some assumptions. For instance, in a 60 zone, the assumption is there are two vehicles approaching each other at a speed of 60 kilometres per hour, which gives you a combined approach speed of, say, 120. This meant line markings are relatively conservative.

In a case of passing a cyclist, this might be one vehicle travelling at, say, 60 and the other one at 20, which means the approach speed is actually far less and that the act of passing the cyclist would be very, very short because of the length of the bicycle — it is not like passing another car or a truck, nor would you need to move as far over. So in actual fact the assumption is that the approach speeds are reduced. The line markings which have been put down based on the assumption of a combined approach speed of 120 may not actually represent that much of a barrier, given it is going to be a short, sharp overtaking manoeuvre at a lower speed than would normally be expected.

So provided it is safe to do so — and that is a judgement for the driver — the belief was that it should be safe to overtake. That was borne out by some of the work we did looking at the UK, which had already implemented such a law. I believe that what we are seeing on the Queensland road network is that generally motorists are more than able to judge approach speeds and ‘safe to do sos’ in terms of the execution. So we think that at this stage it has been reasonably successful and that motorists have shown and demonstrated the capacity to actually apply the rule effectively.

The CHAIR — Great. Thank you. With regard to a federal law to effectively implement what has been implemented in Queensland, with the 1 metre and the 1.5 metre at the higher speed, are you aware of any discussions around a national approach to implementing such a law?

Mr STAPLETON — I am assuming you are talking about a national road rule that would be picked up by all jurisdictions.

The CHAIR — Yes, indeed.

Mr STAPLETON — I might actually ask my colleagues here whether we are aware of any work going on in that regard.

Ms EVANS — I believe it was raised as a recommendation in the Senate inquiry into aspects of road safety. It was recommended it be considered for inclusion in the Australian Road Rules.

Mr STAPLETON — I have seen nothing specifically come back from, say, Austroads looking at this issue at this point in time, but I would not be surprised if it is being considered, particularly as a number of jurisdictions are considering its adoption.

Mr MULHOLLAND — It certainly has been. Austroads has shown some interest generally, and we have reported back quite frequently to the Austroads forum in terms of the trial and some of our experiences through the trial. But in terms of actual adoption through the national road rules, we have not heard anything further.

The CHAIR — Sorry. What was that federal organisation you referred to?

Mr STAPLETON — Austroads. Austroads is a national body consisting of all the states and the federal government at a departmental level that actually looks at road-related issues. It has been in operation for quite a number of years. That would undertake any research and do changes with the road rules. The National Transport Commission itself coordinates road rule changes, so it would be putting forward a proposal as part of that process.

The CHAIR — Excellent. Thank you. At this point I will hand over to Mr Leane.

Mr MULHOLLAND — Before we move on, when we were initially looking at this rule, I do recall there was a very early meeting at more of an officer sort of level of different jurisdictions in terms of where we were at and what we were thinking with the road rule. At that time again it was really just a bit of a watch and see what happened in Queensland. That is where we left it at that point.

The CHAIR — Thank you.

Mr LEANE — Thanks for assisting us in our reference today. Regarding ‘Stay wider of the rider’, I assume a lot of that campaign would be online. If there is anything that is not online that you think you might be able to send us around that campaign, that would be really appreciated.

Mr STAPLETON — We would be more than happy to share campaign material. That is normal between the states, so I am more than happy to forward all our campaign material to you so you can consider and have a look at that.

Mr LEANE — That would be fantastic. I have only got one question. We had Victoria Police at the hearing today, this morning, and they have got a concern around enforcement. With us considering a similar law to that you have implemented yourselves — you mentioned there are penalties, the three demerit points and so forth — have you got statistics since you have done a trial of how many people have actually been charged, fined or lost their demerit points, instances where there is no collision. As VicPol said to us today, if there is a collision, obviously someone has got too close to a rider, but with no collisions?

Mr STAPLETON — What I can tell you is since 7 April 2014 right through to 31 January this year there were 88 infringements issued for this offence in Queensland.

Mr LEANE — Yes. Do they involve collisions though? Can we get a breakdown?

Mr STAPLETON — What I will do is we will go back and have these figures double-checked. I would have assumed these would have been straight infringements not involving a collision, because if there had been a collision, it would be a higher level charge.

Mr LEANE — It would be a different charge.

Mr STAPLETON — Charges like driving without due care and attention in Queensland would be picked in advance of this particular infringement.

Mr LEANE — So there would not be multiple charges where your new charge would apply as well? Sorry, not your new charge — —

Mr STAPLETON — It could be, but we will confirm it and get something back to you, and show how many we have got without a collision being involved.

Mr LEANE — Appreciated, thanks.

Ms HARTLAND — If I could go back to some of the evidence you were giving around the data of fewer claims for bicycle trauma in 2015 than in the two previous years, could you talk a little bit more about that?

Mr STAPLETON — Claims. Okay. I think you are referring to the claims that we have got from the Motor Accident Insurance Commission in terms of third-party claims where a bicycle rider has been involved in a collision with a car. If you look at 2012, we had 305 claims in Queensland. In 2013 we had 283 claims. For 2014, which has not quite been finalised, it actually kicked up slightly to 307. But what has been significant is the 2015 claims at this point, bearing in mind that we do expect to see an increase but normally it would not be a fairly large one at this point. It is currently running at 198 claims for 2015.

Ms HARTLAND — So that is a significant difference.

Mr STAPLETON — It is significant, but it is not proof in itself. I spoke with the commissioner just the other day about this, and I asked if he was okay with us referring to these figures at this inquiry. We are rather excited by it. We had not expected to see such a drop, but when you start looking at this claim history against the awareness figures that have been reported by the public, and can I say the extraordinary media interest in the whole issue of the 1 and 1.5-metre rule, it probably does not surprise. From what we are seeing, I think everyone is reporting anecdotally that people are more aware of cyclists. Cyclists, from their perspective, are reporting to us that they are getting more room on the road than they had been previously.

In terms of proof whether a rule works or not, it is really in the outcomes that you actually get. We did not expect to see lots and lots of infringements out of this because it is a difficult rule to enforce. But then again, that is pretty much what was reported out of the US jurisdictions that had implemented the rule as well. They said they experienced better compliance and more courtesy towards riders but they never got a lot of enforcement infringements out of it, which is why they are looking at alternative technologies now.

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

The CHAIR — Further questions? If not, thank you very much for providing evidence to us today. You will receive a copy of the transcript of today's evidence in coming days for proofreading, and ultimately those transcripts will be made available on the committee's website. Once again, thank you very much for sharing your experiences and helping us with our reference here today.

Mr STAPLETON — Thank you, Chairman.

Witnesses withdrew.