

# 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

#### Witness

Ms Margaret Douglas, Board Member, RoadSafe Central Victoria.

**The CHAIR** — I reopen the Standing Committee on the Economy and Infrastructure Committee public hearing, and I welcome everybody present here. We are hearing evidence with regard to the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015. Today's evidence is being recorded. All evidence taken 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 the same privilege. Welcome, Ms Douglas. It is great to have you here. I see that you have a presentation that you might like to take us through, and then we might then move on to some questions from the committee. So over to you.

### **Visual presentation.**

**Ms DOUGLAS** — Thank you. My name is Margaret Douglas and I am a board member of RoadSafe Central Victoria. We fully support the introduction as law of the suite of proposed amendments. We believe the current law, which requires drivers to make a subjective judgement about sufficient distance, does not keep cyclists safe. In our view it is unclear and does not have a meaningful measure. Whether you think a safe overtaking distance is sufficient is dependent, in our view, on whether you are sitting on a bicycle seat or in a car seat.

I just want to tell you a little bit about who RoadSafe Central Victoria is. We are a not-for-profit organisation. Our core focus is road safety for all road users. Our jurisdiction covers the five shires that you see on the slide; 17 537 square kilometres, not of roads, thank goodness, but of jurisdiction. We are at the top in Echuca and we are down the bottom in Gisborne and we run all the way. We are a diverse group of people from various fields within the community. I am just an ordinary member of the public who cares about road safety, and I am a cyclist as well; I will declare my interest there.

We work in partnership with the community, and we have the support of VicRoads and the TAC in the delivery of programs to reduce the incidence of road trauma. We run safety programs across central Victoria. They are not limited to cycling. We deliver learner driver programs into schools, older driver programs, first aid learning for motorcyclists, but our cycling safety programs involve advanced education for schoolchildren and we have two cycling intervention programs. The primary one I want to speak about today, because I feel it is of particular relevance to the committee, is in conjunction with a group that is going to speak shortly, our Pass with Care campaign. Our particular focus is rural cyclists. We do not think we are special, but we think we have particular susceptibility given the nature of the roads. We hope our experience will help you in your deliberations.

What we are on about is safety, pure and simple, and that is just an example. When I joined RoadSafe Central Victoria, I was pretty amazed at what everybody did. I said, 'Why do you do it?', and they said, 'Safety'. It is that simple, and that is the only reason I appear before you today.

Cyclists are inherently vulnerable road users. I am sure you have heard that said many times already. We only have the helmet and the gloves to keep us safe. We do not have the protection afforded the motor vehicle and its occupants. I think there is one point I would like to make: in the event of a collision, irrespective of blame, it is the cyclist who will come off second best. That can be at speeds as low as 40 kilometres an hour.

I thought, when presenting to you, what if the brothers, sisters, partners and parents of the cyclists that we have lost along the way were sitting here beside me? What would they say to you? Would they say 'sufficient distance' is enough? There are many examples, and I will not go through them. They are terribly tragic. But bear in mind, if you would, that particularly rural cyclists, although I am not singling them out as special, have special concerns. It is the fear of the car coming up behind you. Do they know what sufficient distance is? Do they have enough education to know? Do they have enough judgement to know? Even though the fear cannot be measured by statistics, it is such a real fear.

You of course have the statistics, I am sure, of the various fatalities. But of course that is only part of the story. Our understanding is that between 18 and 20 people for every 1 fatality suffer profoundly life-changing injuries, and 1 in 8 catastrophic injuries. And there are many collisions and many near misses of course that are just not counted; it is not possible within our data collection system. I am sure the cyclists would tell you a great deal about that.

Country roads of course — narrow, high speed, no shoulders, bad shoulders. When I come to Melbourne and see what you have here, I am both jealous and resentful, because there has been talk of course about

infrastructure, but it is just not going to happen in the way that it might happen in Melbourne. We are going to be relying on this very important piece of legislation, we hope, to help keep our cyclists safe.

The way all this happened is that we went to the cyclists when we heard that they were concerned, and we have worked together to put this campaign — it is called the Pass with Care campaign — on the road in the Macedon Ranges. The cyclists do all the work. RoadSafe Central provides some guidance and some funding, and with the support behind the funding is VicRoads and the TAC. It is a true community partnership, and we are actually very proud of it. The feedback from the survey when the campaign was first run was that over 50 per cent of respondents stated that the campaign had influenced their behaviour; 93.8 per cent believed that continuing the campaign would improve safety for road cyclists. We are a very small organisation, and we do not have the resources of the state of Victoria to be able to run major surveys, but that is what the cyclists were able to determine. Our vision is to use this partnership that we have established with the bicycle organisation as a model for strategies to deliver other programs about road safety into Victoria.

The issue we have of course is that this is one campaign on a small section of road in central Victoria, and as impressive in our view as it is, there are many cyclists who will never have the benefit of this campaign. It only runs for four months of the year. A campaign is a campaign. We urge you to consider the laws that have been proposed, and we would very much like to see on our trailer slightly different words in support of the new laws.

I just want to move to one thing, and I am sure that there has been a lot of talk about the consistency of the five jurisdictions within Australia. I understand the Australian model rules are proposing an amendment for the Australian jurisdiction. There is one thing, and you might wonder, ‘What are those glasses about?’. It is about clarity and consistency and making it very clear this is the law. I have just heard the discussion in relation to exemptions. It is our view that there should not be exemptions. There are so many road rules already that we struggle to be on top of. We think this is such an important proposed amendment that to cloud the issue with exemptions would create confusion.

We are also concerned about the safety, for example, of an exemption that would permit a motorist to come closer in a bike lane where the speed zone is 50 kilometres, when we know that a cyclist can be killed at a speed of 40 kilometres. One, it would provide confusion, it would lack clarity and it would not be consistent with the proposals within Australia that are already proceeding.

Particularly with bike lanes exemptions — I am a lawyer, and you have got to read it really carefully to figure out what is a legitimate legal bike lane and what is a piece of paint with a stencil that is not actually a bike lane. It would produce a lawyer’s picnic, quite frankly. More importantly, it is about safety, in our view.

Just addressing you very briefly on education and awareness, because I know you would have heard a great deal about it. The gentleman on the left is an officer at VicRoads northern region, and the two cyclists, the brother and the mum, are part of the Pass with Care campaign that the Bike Safe Macedon Ranges cyclists have put together. That is just one example of what we think is really important. It is a terrible thing to say, but you have to humanise the cyclists to create a sense of empathy for who they are. Equally we would say to you that if the proposed legislation does proceed, it is important to reflect that cyclists are just ordinary people and motorists are just ordinary people. Sometimes we are both, and it is important to establish that sense of empathy.

We like, as an example, the Tasmanian busload of distance, because it is such a simple way of saying, ‘Oh, right. It is a bus’. You know? Because I understand and there were questions on the first day of the hearing around how you judge 1.5 metres. We all kind of know what it looks like, but when you are on the road, it is difficult. The bus, I thought, was just a beautiful way of conveying that. But there are many clever ideas out there. We just encourage that if you do proceed, provide the community with as much information as possible about what it would look like to pass over double lines safely and what it would look like to not pass over double lines safely, so we have the picture in our heads.

Finally with respect to enforcement, we get it is hard, but it is not impossible. I used to be a prosecutor. Some laws are really hard to prosecute, but that does not mean that they should not be laws. It is about deterrence, not just about penalty. Thank you so much.

**The CHAIR** — Wonderful. Thank you very much, Ms Douglas. Your passion for road safety was very clear throughout your presentation. Thank you for that. I thought I might begin with a question that is specific to the fact that you represent a group that is based in rural and regional Victoria. I am wondering, what do you see as

being specific to rural and regional Victoria in terms of bike safety? Are there concerns that do not exist here that exist in regional Victoria?

**Ms DOUGLAS** — They absolutely do. I can only speak to the central area that I am familiar with. For a start, we have a lot. We have the big freeway, the Calder Freeway, that goes up the middle. You do not want to ride on the Calder Freeway unless you have absolutely no other option; that is just the way it is. But we have a lot of narrow, winding roads with crests. Many roads I ride on do not have shoulders; they will never have shoulders. If they do have shoulders, they may not have been swept for many years. It is about costs in terms of sweeping, and the speed of course is fast. Most rural cyclists are travelling on roads that are between 80 and 100, and it is scary. And of course prudent cyclists, when they can, will choose the road less travelled, but sometimes you cannot. Sometimes you are in a really fast, scary place. That is why we thought the campaign was so important. There are of course other considerations, but that is the one that I think is quite important from a rural cyclist's perspective.

**The CHAIR** — Indeed. I think back to my university days, when I was in Bendigo, and I used to cycle much more regularly than I do now. It is a magnificent area to ride around. You are right indeed.

**Ms DOUGLAS** — It is, and I think Bendigo is also quite fortunate because it does have quite good cycling infrastructure within the city. Unfortunately I do not live there.

**Mr LEANE** — Congratulations on the Pass with Care campaign.

**Ms DOUGLAS** — Thank you.

**Mr LEANE** — It is interesting that New South Wales was saying yesterday that they had something like 260 or 270 permanent signs similar to your campaign — not exactly, but I think similar.

**Ms DOUGLAS** — I understand. That is exciting.

**Mr LEANE** — Across the state. I do not know how many of them are city centric, but they did say across the state. How important do you think the education program will be if there is any amendment to the current legislation?

**Ms DOUGLAS** — I think it is going to be vital because, as I have said, we have got a lot of laws, and it is a split rule too — under and over — and it is minimum passing distance. Education is going to be vital, as are the awareness campaigns, such as the ones we have suggested — and we have just a little bit of funding and we do our best with amazing cyclists doing all the work, quite frankly — but the permanent signs on the road that you have mentioned are going to be extremely important because at the moment the signs we have on the road — you might have seen them in the rural zone — are cyclists crouching low. It is not a popular image, quite frankly, from a motorist's perspective, because immediately there is some angst in the society about lycra and the two abreast, for example.

What we would suggest — and I have not seen the New South Wales signs, but I have seen the Tasmanian signs — is the upright cyclist riding their bike, a normal person, but the very clear 1 metre and 1.5 metre. I am lucky enough to ride in France sometimes as well, and every time I see a sign just like that of the 1.5 metre I take the photo because I am so excited to see it. I think that is really important to have the permanent signage on the road backing up whatever awareness campaigns and education campaigns you would run. Of course VicRoads will have their register of all the signs. They will all have to come down and put up the new ones.

**Mr LEANE** — Yes. Thanks for that. New South Wales said they were going to send down their examples for the committee, so we can have a good look at them. That is all I wanted to ask. Thanks for helping us.

**Ms DOUGLAS** — Thank you. It is my pleasure.

**Ms HARTLAND** — I have got two questions. Because of the areas you cover, do you get a lot of weekend cyclists coming from the city, coming down on the train and then cycling around those areas?

**Ms DOUGLAS** — Yes. I happen to live in the Macedon Ranges and cycle in the Macedon Ranges. Mount Macedon has become a Mecca for cyclists actually riding up from the big smoke. Weekend cyclists absolutely are coming from Melbourne, and also tourists are coming into the area. That is why our campaign

over the summer is great, but of course the campaign leaves the roads. Then we have tourists coming in all the time, and of course we have people moving into the area all the time, which is why we would like to see this as a law with the signs on the road as well.

**Ms HARTLAND** — Am I thinking right in that it is very important to get people to come to the area?

**Ms DOUGLAS** — Yes, absolutely. I will speak to the area I know, which is the Macedon Ranges and the Mount Alexander area, and then of course Bendigo is incredibly popular. What road cyclists love is the beautiful space. We have one traffic light in the Macedon Ranges, or it might be two. It is becoming a Mecca for its beauty, but the traffic comes as well, and there are going to be more and more cyclists coming into the area. It is not just that area, but that is an example. It is increasing both motor vehicle traffic tourists but also cyclists.

**Ms HARTLAND** — You were in the room during the evidence from Bicycle Network. In terms of school zones, I could only imagine that in the country you would have a number of school zones that were actually on main roads and where the speed limits would be 80 or 100 and then would have to drop for the school zone.

**Ms DOUGLAS** — Yes. I am thinking of Bendigo, I am thinking of Ballarat — just in the areas I ride — and I am thinking of Kyneton. Of course when you are in the towns the speed limits are already relatively low. We do not have the luxury of having a great many bike lanes anywhere outside the main towns, but I share the concerns that you have expressed, very much so. Our view is that a bike lane is a piece of paint. It does not make an unsafe distance safe because it is a piece of paint.

**Ms HARTLAND** — Thank you. Where did the bus sign come from? It is really effective.

**Ms DOUGLAS** — Tasmania. It is great. I think you might have seen something from the Amy Gillett presentation. Did you see that one on the bus where the people are leaning.

**The CHAIR** — Yes. When they are leaning in closer. Yes, we have seen that.

**Ms DOUGLAS** — It is about your personal space. It is such a great way of showing the message.

**Ms HARTLAND** — And it is done with some humour.

**Ms DOUGLAS** — I know.

**Ms HARTLAND** — Very effective.

**Ms DOUGLAS** — So we like Tasmania.

**Ms HARTLAND** — Lots of cycling in Tasmania.

**The CHAIR** — Thank you, Ms Douglas, for your contribution today. I remind you that you will receive a transcript of today's evidence for your proofreading. That evidence will find its way onto the committee's website in due course. Thank you very much for coming along and for your passion for road safety.

**Ms DOUGLAS** — Thank you, and thank you for inviting me. We feel beholden to be heard.

**Ms HARTLAND** — We thought it was really important to get a rural perspective on this, because it is very different than city cyclists.

**Ms DOUGLAS** — Thank you.

**Witness withdrew.**