

CORRECTED VERSION

STANDING COMMITTEE ON ECONOMY AND INFRASTRUCTURE

LEGISLATION COMMITTEE

Inquiry into the Road Safety Amendment (Car Doors) Bill 2012

Melbourne — 23 May 2012

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Witnesses

Mr G. Brennan, public affairs, Bicycle Network Victoria; and

Dr C. Munro, author, *Bicycle Rider Collisions with Car Doors — Crash Statistics and Literature Review*.

The CHAIR — I welcome Dr Cameron Munro and Mr Garry Brennan from Bicycle Network Victoria. I also acknowledge that we have had a statement from Cr Janet Bolitho, who is the president of the Road Safety Action Group for inner Melbourne. She is not able to be here this evening, but she has provided us with a document. Please pass our thanks on to Janet Bolitho.

Thank you for coming to present to us. As I know you were in the audience before you will understand that we have some very strict time constraints and we are hoping to hold everyone to 20 minutes. It is far too short a time; I apologise. However, we are anxious to hear from everybody. I have a document to read to you before we start our proceedings.

I welcome Mr Brennan and Dr Munro to tonight's public hearing of the Legislation Council Economy and Infrastructure Legislation Committee in relation to the Road Safety Amendment (Car Doors) Bill 2012. All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and is further subject to the provisions of the Legislative Council standing orders. Therefore you are protected against any action for what you say here today, but if you go outside and repeat the same comments, they may not be protected by this privilege. All evidence is being recorded. You will be provided with proof versions of the transcript within the next week. Transcripts will ultimately be made public and posted on the committee's website.

We have allowed up to 5 minutes for you to make opening comments and the remainder of the time for questions. But this is a very fluid process. We are very conscious of the time, so we are really in your hands. We have questions that we would like to ask you, but I think it is important that you have an opportunity to present the issues that you would like to present. As I did with the last witnesses, it is now 8.31 p.m. by my clock. I welcome your submission.

Mr BRENNAN — Thank you, Madam Chair. I think we can take our submissions as read, so I will not address those directly at this point. I will say that I think this committee has a tremendous opportunity to make a difference. It is a very timely inquiry. There are a lot of fantastic submissions and there is research, and I think there is an achievable outcome at the end, which is going to benefit everybody on the road — every road user, whether they be a cyclist, a pedestrian or whatever.

Bicycle Network Victoria has 45 000 members. That is a lot of people riding a lot of bikes. We are also an insurer, so we collect a lot of crash data. The interesting thing from our point of view is that our crash data statistics show a very similar trend to the ones we have seen coming from VicRoads and the one that Dr Munro has studied in his report. We are faced with the situation where in 2009–2010 we had a sudden spike; the numbers virtually doubled. The spike is confirmed by our own data, so the study that we have undertaken is very timely and very important, because we need to understand why this has happened and whether there are any opportunities for us as a society to address this issue.

I think that what we have discovered is that enforcement and penalties are part of the solution but they are not the only solution. There is engineering and there is behaviour change; either one of those cannot do the job on its own. We have to look at a combination of solutions to achieve the result that we want. The good news out of the report that we did through Road Safe Inner Melbourne is that the problem is addressable. We have discovered that almost 50 per cent of the problem is on only 10 Melbourne streets. I think that shows us that there is a way of tackling the problem and a way of looking at the streets themselves, the behaviours in the streets and the way they are used so that we can find ways of solving this problem. I think Cameron will talk further about that.

The behaviour change part of this is something that interests our organisation particularly. We have developed a behaviour change model, which we have used for other behaviours, where we intervene in the street with the road user, and I think that has an enormous amount of promise for use in helping to solve the dooring problem.

We think that there are two behaviours in particular that we need to closely examine. One is rider behaviour, and that is the riding-in-the-door-zone problem, and the other is the driver behaviour, and that is why and how drivers are coming to open their doors so frequently into the path of riders. With that particular behaviour, we think that opening the door with the left hand might be the sort of habit, the behaviour, that we want to encourage.

In terms of the penalties, which is where we all came into this issue, we are in favour of something that is clear, simple and effective. We have discarded the demerit points from the equation. We would just like to see a simple doubling of the minimum penalty for the infringement notice and an increase in the range of the court penalty from 3 to 10 penalty units.

I will leave it at that, and I will invite questions from you later.

The CHAIR — Does Cameron want to add to that?

Dr MUNRO — Perhaps I could just add five quick points. I should just point out that I am a consultant. I do not actually work for the Road Safety Action Group Inner Melbourne, so I cannot actually speak for them, but I was commissioned by them to do some research on this particular topic. Perhaps if I just reiterate five key messages that came out from that research which may be pertinent to your deliberations.

Firstly, as Mr Brennan mentioned, unlike many road safety issues, this particular issue is very geographically concentrated on a number of locations. Thirty per cent of all car dooring collisions involving cyclists are occurring on 5 streets in inner Melbourne; 50 per cent on the top 10 streets. That is very unusual in road safety practice and starts to lead us towards some thinking about specific solutions in those specific locations.

The second point I would make is that we do not have good evidence about what works. That in itself, of course, is not an excuse for inaction, but similarly it is also to say that it is not to suggest that some things do not work. More often than not we implement things and we do not necessarily monitor them at the rate at which we should do, and that applies in the case of car dooring just as much as it does to so many other areas of road safety practice.

Another point I would make is that enforcement is part of a policy, a suite of measures, and that perhaps an enhanced enforcement combined with an increased penalty will contribute and will be part of the puzzle that helps us to address this particular issue.

Fourthly, awareness is clearly critical. Increasing the penalty on its own, without the accompanying awareness, will of itself be of limited to no benefit. There are several ways in which we can improve awareness. One is obviously through a mass media type of campaign for which the effectiveness in road safety literature generally is often poor to moderate at best. What tends to work better is very individualised, focused intervention instead — educate individuals, which helps them to identify the issues, develop a rapport with the issue and hence moderate their behaviours accordingly.

Finally, along those lines the road safety action group is piloting a series of interventions on three of the major streets involving car dooring incidents in inner Melbourne to speak to both bike riders and car drivers, to ask them about their understanding of this particular issue, to try to develop some of that rapport and hence to encourage the moderation of behaviours that will hopefully result in some reduction in the rate of car dooring on those streets.

The CHAIR — Thank you very much indeed, both Mr Brennan and Dr Munro, for some very interesting and new material that we have not heard before. I would like to ask the panel now if they have some specific questions. I will start with Mr Somyurek.

Mr SOMYUREK — I am all right for the moment.

The CHAIR — Mr Ramsay?

Mr RAMSAY — No, thank you.

Ms PULFORD — Regarding the information about the locations, are you able to expand on that a little? Also, I would be curious to know what information you might have about the demographics of the people affected, like: is this something that is occurring when schoolchildren are making their way to school? I would appreciate some additional comments on that.

Dr MUNRO — As part of the research that I was commissioned to do by the Road Safety Action Group, I looked in detail at the police-recorded crash statistics, which provide us with our best information that we have on this particular sort of occurrence. We have to remember that only somewhere between 20 per cent and 25 per

cent of all injury accidents are recorded in that database, so it is only the tip of the iceberg, if you will, but let us work with that for a moment.

In looking at the rates of car dooring there was not a strong demographic shift towards younger or older people, males or females. There was a slight overrepresentation of females, but it was not very strong. One of the, perhaps, hypotheses that is often raised is that the less confident cyclists will tend to ride closer to the curb or to parked cars and therefore present a greater risk. We do not have any definitive evidence to suggest that that is the case, but it would feel somewhat like a plausible explanation.

In terms of the locations themselves, St Kilda Road stands out far and above all the other sites — I am just flicking through to recall — Chapel Street, South Yarra, was another obvious one along with Brunswick Street, Elizabeth Street and Collins Street. I think those were the top five, from recollection. They, together, represent a very large part of the mix. In part, of course, that is because there are lots of bike riders there and in part it is because there is a very high parking occupancy, but perhaps more so it is also because of the high parking turnover.

If I use St Kilda Road as an example, early in the morning we have a lot of bike riders going through along with a lot of couriers and a lot of commuters coming in, so a lot of very short period parking events. Each parking event will involve a driver door opening as a minimum and then of course the driver door opening again as the driver gets back into the vehicle. Each and every time there is that parking turnover, we increase the risk.

Every time a bike rider rides past a parked car the likelihood of that parked car door opening in their path is of course small. However, if I am riding on, say, Chapel Street — 1.5 kilometres — I may pass 200 or 300 parked cars, so the cumulative risk becomes much more substantive, and that is the sort of thing we are seeing. In a way that is part of the problem, because it is not simply one parked car that is creating the issue; it is that cumulative risk of many, many parked cars in total that are creating the risk.

Ms PULFORD — Is there a time of day? Is this a commuter thing?

Dr MUNRO — Again, the differences were not strong. If we compare the rates of car dooring across the day to all cyclist crashes — and in that way we are controlling for the presence of bike riders because they will be there predominantly in the commuter periods, in the inner Melbourne area, and less so in the evenings, for example — we see a slight underrepresentation of doorings in the a.m. peak period. That is the only time when we are seeing a significant change. The hypothesis to come from that says that in the a.m. peak period on many of the strip shopping precincts such as Chapel Street or Brunswick Street we often have clearways so there are no parked cars. The shops have not opened yet and there are a number of factors that would seem to relate to that, but again I would not overemphasise those specific differences. They are not strong relative to all cyclist crashes.

The CHAIR — Thank you, Dr Munro. I would like to welcome Janet Bolitho. We did receive your submission and your page, so thank you very much indeed. We are running to a very tight schedule and probably have about 8 minutes left. I have a couple of questions from my other panel members here, but I hope to give a couple of minutes to you at the end in case you would like to add some comments to that. But welcome, and thank you for coming.

Ms HARTLAND — I am particularly interested in your position on demerit points because evidence we have had from other presenters is that roughly 80 per cent of car doorings occur because of the driver opening the door. In your submission you talked about the fact that it would be difficult to deal with this because sometimes it is the passenger door, but considering that in 80 per cent of them it is actually the driver, who would have a licence, can you go a little further into your reasons for not supporting demerits?

Mr BRENNAN — It is just complicated. I think that when you are trying to reform the law the simple solution, the easiest one, is the best way to go. I do not think you will get any argument from anybody that there should not be at least a doubling of the minimum infringement notice and a substantial increase in the court fine. However, you will get argument about demerit points, so why go there? Why waste your energy, our commitment, our passion, our desire for reform on something that is going to be contentious and difficult to win agreement on and that does not deliver us much more than we are already getting? For me it is really a matter of strategy. I do not think there is a convincing argument to hang in there and fight for demerit points. It will not get us anything extra that we need.

Ms HARTLAND — What about the argument — and I would like you to respond to this — that someone receiving a demerit point could end up losing their licence, and it is therefore much more serious for a lot of people than just paying a fine because they pay the fine and they just disregard it but loss of demerit points actually has an effect on the driver. So why would you not include that?

Mr BRENNAN — Because I do not think you will get agreement on it. It just comes down to what is achievable. What can we do that is achievable that will get us a quick, definitive result? I think that once we start to get into the contentious area of demerit points, anomalies and inequities would creep in between an offender who was a licensed driver and an offender who was not. So in your scenario, a licensed driver who was a passenger — not a driver, who was a passenger — would incur a fine, a more serious penalty, than a passenger who was convicted of exactly the same offence.

Ms HARTLAND — So we let those — —

Mr BRENNAN — I just do not think it is worth it.

Ms HARTLAND — I think you have to push the law.

Ms BROAD — Also on the matter of penalties and demerit points, as I expect you are well aware Victoria Police in evidence to this committee supported the imposition of demerit points for the offence that is under consideration by this committee, and in their evidence they indicated confidence in their capacity to apply that penalty. Demerit points have been in existence for a long time now. Victoria Police have a lot of experience with applying demerit points as a penalty for a range of offences, so could you explain to the committee — no, I will take that one step further. One implication of the position you have put to the committee in your written submission and this evening is that you think it is complicated and for that reason you do not think it is worth pursuing. Given that Victoria Police think that it is straightforward, something they have a lot of experience with and confidence in their capacity to apply as a penalty, can you explain to the committee why you think it is so complicated?

Mr BRENNAN — My view is that the police have a much more serious issue to address, and that is why they do not take more people to the courts — because, as we know, the range of seriousness of this offence is considerable. You will hear evidence from someone who was doored who was very lucky to get away with having his life intact, and that offender only received the minimum available penalty. Nobody was taken to court in that situation, so it is very convenient for the police to say, ‘We will just tick the demerit points box’. But the issue for the police is for them to explain to this committee and anybody else why they have not more forcibly addressed the serious doorings and put more people through the courts for higher offences. I think that is really the issue for the police to address.

The demerit points, for them, does not require anything of them. It is just ticking yet another box. I would much prefer this committee to focus the police’s attention on using the law as it exists — the provisions that they have already to take people to court in order to ratchet up the level of penalty and the level of deterrence. That would be a far more acceptable outcome for my organisation.

The CHAIR — Thank you very much indeed. Ms Bolitho, would you like to add any comments? I know that you were not here for the first part of the inquiry, but is there anything else you feel you would like to add to what has been said so far in your presence?

Ms BOLITHO — I apologise for being late, and I have not heard the discussion that has gone before. I suppose, as in my written submission, part 2, on behalf of the Road Safety Action Group Inner Melbourne and just pulling back from the demerit point discussion for the moment, our focus is very much on the inner Melbourne area, where the majority of these collision types occur. I suppose my only observation about the demerit points would be that the goal of our group is to promote individual awareness and responsibility of all road users in a congested shared-road environment and that we really see that as absolutely primary and that the other matters need to of course follow, particularly with stronger infringement. But we would like to reiterate that we think the starting point is around awareness and responsibility from all road users, which is the classic road safety.

The CHAIR — Thank you very much indeed. I am very conscious that we have just about run out of time, but I was wondering whether Mr Brennan or Dr Munro would like to make any summarising comments. Or do

you have any thoughts that we have omitted perhaps in the couple of minutes we have left? Is there anything further you would like to add?

Dr MUNRO — Perhaps if I just throw in one statistic for thought: about three-quarters of car dooring injuries to cyclists are occurring on the driver's side — the driver door — so by inference the driver invariably will have a licence. I am thinking here in terms of the topic of demerit points. For the remainder of the dooring incidents, which are passengers, obviously a fraction of those will be children. Around 20 per cent of the population are aged under 18, so that is about 20 per cent of the remaining 25 per cent. So you are going to end up with around 90 to 95 per cent of dooring injuries being introduced by adults, the vast majority of whom will have licences. Just thinking about the practical implementation of demerit points to non-licence holders — it is a relatively small fraction of the total — does that mean demerit points are a useful additional deterrent? I think that is a matter for conjecture.

The CHAIR — I would like to thank you on behalf of the committee. I would like to thank Mr Brennan, Dr Munro and Ms Bolitho for presenting some very interesting information and statistics for us here this evening. Thank you for your time, and also thank you for honouring our time frame. I do apologise again, but thank you very much for being here at this very important inquiry.

Witnesses withdrew.