

CORRECTED VERSION

STANDING COMMITTEE ON ECONOMY AND INFRASTRUCTURE

LEGISLATION COMMITTEE

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

Melbourne — 28 March 2012

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Mr G. Barber, MLC, and
Mr J. Tilley, electorate officer.

The CHAIR — Good evening. I would like to welcome everybody here to this inquiry on the Road Safety Amendment (Car Doors) Bill 2012. I would like to very much welcome Mr Greg Barber in this capacity and Jay Tilley. Thank you indeed for coming. I would also like to acknowledge those who have taken the time to come and listen to this and for the work that I know you have done. Welcome to the Legislative Council committee room.

I declare open the Legislative Council Economy and Infrastructure Legislation Committee public hearing. Today's hearing is in relation to the inquiry into the Road Safety Amendment (Car Doors) Bill 2012. I welcome Mr Greg Barber, the sponsor of the bill, and Mr Jay Tilley. All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and 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, you may not be protected by 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 about 10 to 15 minutes for you to make any opening comments, and the committee will then ask questions in relation to the clauses of the bill. So, Mr Barber and Mr Tilley, I throw it open to you.

Mr BARBER — I would like to thank the committee members for their time. We have provided you with about four pages of material, which is the broader public policy context for our bill. It is not the sort of material you would normally put in a second-reading speech, but it does provide answers to some questions about the rationale for the bill and the broader policy environment into which the bill fits. I will not laboriously read through the material because that would take up time, but I will go over the highlights to give you a guide to the material and to make brief remarks about each section as we go. I will start at the back and work towards the front.

The broadest possible context for this bill is that we believe there is the need in Victoria for a vulnerable road user law of the type that has been introduced in a number of jurisdictions around the world. There are two types of road users: those who are in vehicles, strapped in by their seatbelts, surrounded by airbags and a metal suit of armour, and then there are all the other road users, including pedestrians, cyclists, council road workers, tow truck drivers and people moving agricultural machinery down roads, who are out there all on their own. The consequences for people in the latter group of being hit by a vehicle are extreme.

While there have been a number of these laws introduced around the world, some of them have been in European jurisdictions. It is not easy for us to access the Dutch statute book. In the North American jurisdiction, the introduction of the vulnerable road user law started in Oregon, and it has now moved to a number of other states. However, that is more ambitious than what we have been able to do simply with this bill. This bill specifically addresses one type of accident involving one group of vulnerable road users, which is cyclists. An offence is committed when a person opens a car door so as to cause a hazard to another vehicle. That vehicle can be a bicycle or another car.

It was one particularly tragic accident that brought this issue into the spotlight — the case of James Cross. In brief, the coroner's findings in that case addressed the need for education for drivers about looking out for cyclists in the environment in which they park and get out of their cars. The coroner also recommended that some changes to the physical infrastructure occur so that bike lanes are located on the left-hand side of the car parking lane. There are now some examples of that that you can see around inner Melbourne.

Whenever we attack a road safety problem, we always do it with education, changes to the physical road infrastructure or vehicles, and enforcement. Looking at Victoria's very successful long-term plan to cut the road toll, it is not possible to say exactly which element has been the most important. Clearly they all reinforce each other, and if we are getting the result we want, we are all very happy.

This bill relates specifically to the aforementioned accident type. Such an accident has, under the VicRoads database, a particular classification. It is called DCA 163, and we can interrogate the VicRoads database to see what has been happening with that, other types of bicycle accidents and, for that matter, any type of road accident.

There is no doubt that the incidence of cycling is rising rapidly, particularly in inner city areas. With that increase, the number of accidents is also rising. But we believe there is a safety-in-numbers effect. You would

have to look around the world to find data on this, but the more cyclists there are, the more aware of them people become. Even though the number of cyclists is rising rapidly, we do not believe that the number of accidents is rising as rapidly. Therefore, per unit of exposure, the accident rate is improving, even though the total number of accidents is increasing.

We also sought information from the police about how many infringements they issued under the particular section in which we are seeking to increase the penalty. While their database on infringements includes opening a car door in front of a cyclist or a car — it does not separate which type of vehicle they issued the infringement in relation to — it is clear that the number of incidents has also been rising. It appears the police are taking this offence somewhat seriously.

The problem is that the fine is quite low. We seek to move the penalty from 3 penalty units up to 10 penalty units. However, as an on-the-spot fine, which comes under a separate set of regulations, the fine is actually a lot lower: it is 1 penalty unit. We do not know whether police are issuing the on-the-spot infringement or whether and how often they go for a more serious prosecution. But the more serious prosecution is only 3 penalty units, so it would not surprise us if they are not devoting a lot of energy to prosecuting offences that warrant only 3 penalty units. We want to see it increased to 10. That will give it an educative value, and it will also make it a more serious matter for the police.

We have provided you with some information, but for the most part we have provided links to further information about the rates at which cycling is increasing. This may answer any further questions in committee members' minds about this being a serious problem and a problem that is growing quite quickly.

The CHAIR — Mr Tilley, would you like to make any additional comments?

Mr TILLEY — No, not at this stage.

The CHAIR — Are you happy to answer any questions that the committee might have?

Mr TILLEY — Yes, sure.

The CHAIR — I will open this up to questions and ask the Deputy Chair, Jaala Pulford, if she would like to start.

Ms PULFORD — As you, Mr Barber, would be aware, this is new terrain for this committee to consider whether a bill is the most effective means to achieve its stated objectives. We are interested in considering these matters in that context. Can I start by asking if you believe that increasing the penalties will result in a reduction in the instances of dooring and if you have any evidence of this occurring in other jurisdictions?

Mr BARBER — We are targeting one particular offence which is currently in regulation. We are seeking to increase the penalty for that offence. We know how often the police issue infringements, but we do not know how seriously they take the offence. We also do not know how often this happens, by the way. VicRoads data is based on police reports, so it is only when a police officer attends an incident that it gets into the same database of crash statistics. But everybody I know who has been a cyclist has experienced this. Everybody has got a story. Mr Tilley, I think, who rides more than me, has had a near miss happen to him twice during the period in which we have been conceiving and drafting this bill. We do not really know how often it happens and how many near misses there are.

When the police are called, clearly it is extremely serious — someone has been picked up off the road, we would guess. I cannot guarantee you that this is the incidence according to the data I have provided. I cannot at this stage tell you how seriously the police take it, although there is some evidence there from quotes that were given to the coroner's inquiry that suggested that officers were told this was not too serious and that they would not prosecute it to the full extent.

Your general question is something that has to be teased out through the giving of evidence by some other witnesses. But it is generally understood, I suppose, whenever we legislate for infringements that people do not do things if they think there is going to be a bad penalty. I do not think I can offer you a much more definitive answer than that.

Ms HARTLAND — Mr Barber, can you talk about the reason why we have demerit points in there as well as a monetary fine?

Mr BARBER — It includes demerit points on your licence; it includes 3 demerit points. We have pegged this at other similar offences that are also equally likely to cause a hazard to someone's life. By moving it up to 10 penalty units and 3 demerit points, we are making it the equivalent penalty you would face if you ran a red light or if you drove past the doors of a tram when passengers were boarding. Bear in mind that the offence says 'to cause a hazard'; it is not 'to cause an accident'. If someone opened their door causing me to swerve out into the traffic and I was not hit by a car, as tragically James Cross was, then they have caused a hazard; they have not caused an accident. The police would have discretion to decide whether they fine someone for causing a hazard. If the causing of that hazard has led to a very serious accident — and we know it has caused many serious accidents — then they could prosecute someone for a much more serious fine.

Mr TILLEY — I probably would also add that I think demerit points have a really strong educational effect as well. I think for a lot of drivers it probably has more of a real-life consequence: they will actually have points taken off their licence rather than just money, which can come and go. The demerit points will stay on there. I think it might be another communication method for drivers to learn that that has real consequences as well.

Mr RAMSAY — Just on that point, that is assuming the driver is actually responsible for creating the hazard by opening a car door. If there were a passenger such as child or someone who inadvertently opened the door and caused a hazard or something more, how then would you apply a penalty to that person?

Mr BARBER — That is correct. Of course if a child opens a door, they do not have a drivers licence so they cannot lose demerit points, but they can be fined. The fine relates. The current offence that is in the road rules and the road regulations now is to cause a hazard by opening a car door — that is, passenger or driver. We are not inventing a new offence, nor have we changed the way the offence is written or structured. We are simply using the words from that existing offence and bringing them into our bill.

Mr DRUM — Is there any reason why you want to take it out of one act and put it into another act? Why do you want to put it into the Road Safety Act 1986 as opposed to where it currently sits in the road safety rules?

Mr BARBER — It sits in the regulations.

Mr DRUM — Yes.

Mr BARBER — Those regulations are created under the act.

Mr DRUM — The regulations are created under the act.

Mr BARBER — Yes. This is the approach we are taking in order to bring a bill before the Parliament.

Mr DRUM — As opposed to changing the regulations.

Mr BARBER — Your minister can change the regulations.

Mr DRUM — The offence already exists.

Mr BARBER — That is right; it is in the regulations. Your minister can tomorrow gazette the exact same penalties associated with that through regulation. It does not need my bill. They could have done it at any time since this issue has arisen. He can do it tomorrow, take the wind out of my sails and remove the need for my bill. That is entirely possible.

Just back to Mr Ramsay's question about young people, I will say that whenever a bill comes before the Parliament that is likely to impact on young people — it could be measures associated with drinking, graffiti and so forth — the Greens always ask the question about how the police will deal with those young people when grabbing them and charging them with an offence. That is a concern. But when we were in the car with my old man, we were not allowed to open the doors until he said it was okay. It is called parental responsibility. He kind of relaxed that rule when I turned 21, but I am a big fan of parental responsibility.

If you have kids in your car, you are responsible for those kids — do not let them open the doors. There are also accidents where people get out of cars and go into the traffic stream. For the same reason, they should be very careful when getting out of cars.

Mr RAMSAY — My point was not so much about young children. The demerit points relate directly to the driver.

Mr BARBER — Correct.

Mr RAMSAY — Whereas someone opening a door of a vehicle could well not be the driver.

Mr BARBER — That is right.

Mr RAMSAY — And it might well not be a young child or someone who is subject to parental responsibility. I was just trying to understand. As Mr Drum said, regulations are in place and there are safety rules and penalties that apply. Are you trying to change the attitude in relation to people being more careful about how they open a car door, given those factors of more activity around the vehicle?

Mr BARBER — Yes.

Mr RAMSAY — If that is the case, why not just impose a heavier penalty?

Mr BARBER — On whom?

Mr RAMSAY — On the person who has opened the car door, I guess.

Mr BARBER — I believe that is what this bill does, but if there is a query as to who the fine would be levied against under the regs, I will tackle that.

Mr TILLEY — There are also appeal rights available under the existing legislation. If you felt that you should not be responsible for your passenger causing an injury and that you should not lose demerit points, there are existing appeal rights and also wide discretion, I believe, for the police on whether they want to charge.

Mr DRUM — It would be fair to suggest that on a range of issues, you have taken the position in the Parliament that increasing penalties does not necessarily change behaviours. This bill seems to be a significant shift from your usual MO, where you say that if you are trying to change behaviours you should be trying to do so through education, more so than just whacking a substantial and serious financial penalty and serious demerit penalty on people. I would have thought that usually your stance would be along the lines of: if you truly want to change behaviours, you have to do it through education. Can you explain why this bill is a big hammer, as opposed to the way you would usually go about your work?

Mr BARBER — I cannot move a bill to require VicRoads to run a road safety campaign, or for that matter the TAC, which has a legislative responsibility to develop a proactive road safety strategy. If you go through the TAC's road safety strategy, you see there is mention of bicycles but there are no measures dropping out the other end to deliver that. I think we have political consensus on how road safety programs are to be rolled out. First of all, there is an evidence base. There are particular types of accidents that the TAC and other research bodies find are occurring. They study that behaviour and then they hit it with all three. I may have said this in my intro just before you walked in.

We always use education, changes to the physical infrastructure or vehicles themselves and penalties, together. We do not know with drink driving or speed which one had the most effect. We do not know whether it was the booze buses or the steady change in social attitudes that drink driving is not okay and you will get caught. We do them all together.

The law on bicycles is a new area and this is a new type of problem that we are addressing here. I think I have adopted the evidence-based approach as best I can with my resources. I would be rapt if the TAC and VicRoads and the ministerial council all got together and took the recommendations of the coroner and rolled out the education campaign and the changes to bike lanes that she recommended and brought in offences so that this can be treated seriously — only as seriously, as I am saying in this case, as running a red light or driving past a

tram with passengers boarding or alighting. This seems to be an anomaly in a way, in that it is a potentially extremely hazardous action to do on the roads but it is not treated as anything more than a parking offence.

Mr FINN — I have just one question for you, Greg. You have expressed some doubts as to whether the law is being prosecuted now. What in the increased penalties in this particular bill that you are proposing would make the chances of the law being prosecuted greater than they are currently?

Mr BARBER — It is true, Mr Finn, that when you increase the severity of penalties under the law it makes more work for the police to prosecute those penalties, and the people who are facing that penalty are much more likely to fight it in court than to cop it sweet. But that has not stopped your government and various MPs advocating for tougher and tougher and harsher penalties and saying that jail means jail and that there will be no more suspended sentences, and all that stuff. I agree that harsher penalties will make more work for the police, particularly if they have to go through the court system to put that infringement on somebody, but it is ridiculously low at the moment and needs to be brought up to a reasonable level.

With that we are, of course, setting a community expectation. We are calibrating the punishment for the community's expectation. As you hear submissions from cyclists and other groups, you will find that their expectations are that this is currently inadequate.

Mr TILLEY — I will add that the gentleman who was recently in the paper — I think his name is Andrew Tivendale — was in a coma for several months after being doored. He was insulted — that was his word — that it was a \$122 fine for the person who had opened the door on him. So you also wonder about 3 penalty units and whether the police would weigh it up. Should we push for the 3 penalty units or would he still be insulted? I guess 10 penalty units provide greater discretion on matching the offence proportionately to the injury that was suffered. We would be giving greater discretion to the prosecuting authorities as to whether it would be worth it.

Mr FINN — To get back to my original question — and I agree that it would mean more work for the police, without casting any aspersions on the police, which of course is something that I would never do — would that not actually make it more of a disincentive for the police to prosecute this, if in fact it is going to tie them up in paperwork and court cases and dragging things through the courts ad nauseam, when as the law stands currently they could get out of it with maybe a quarter as much work?

Mr BARBER — I think I would argue that the overall aim of my bill is to make less work for the police because it will prevent doorings from happening. Therefore the police will not have to attend accidents where people are being scraped up off the road, let alone deal with the paperwork or the fines or the court appearances that might come after that. That is after all the ultimate aim. We do not say that about drink driving or any other type of offence. We say that the aim is to get the behaviour down, not collect fines.

Ms BROAD — Just to follow up some earlier points, my understanding is that most researchers who have studied Victoria's experience on road safety in general would take the view that the success can be attributed to three main pillars, which go to public education, penalties and enforcement. As I read this bill, those three pillars are very much at the heart of what you are proposing. Would you accept that characterisation?

Mr BARBER — Yes. The other thing that we are trying to get our fingers on, of course, is the safety-in-numbers effect. Having ridden bikes around in places like Holland, I know that there motorists already treat you as a vulnerable road user and give you right of way if there is any question about who is sharing the road space. That is because they probably all rode bikes as young people and they know their own children are out there on the roads to this day. Most cyclists are, of course, motorists some of the time. I believe that we will have a very strong safety-in-numbers effect. It is just that we do not have great data on it across different countries to track how and when that effect starts to give us the benefit that we are all seeking.

Ms BROAD — I think that was a yes. And my second follow-up question was: do you think there is a need in implementing a bill like this to also have regard for an education or training approach to policing?

Mr BARBER — We have given you some quotes from the evidence that was tendered at the coroner's case into James Cross, and that is all we have to go on. I am also not casting any aspersions on how the police might treat different categories of accidents differently. I do not know; that is a hypothesis at the moment. But you would have the opportunity to hear from Victoria Police and cyclists, and to probably read the coroner's

evidence and the material that was put before the coroner in more detail. We have simply provided pointers to that in our four-page document.

Mr TILLEY — Also, just to add to the education aspect, as Greg was saying, if you are a cyclist yourself, you will always check your mirrors when you are opening your doors because as a cyclist it happens so regularly. And also education, more than the police I think, is about drivers and also cyclists. A lot of newer cyclists will be in close to the parked cars in fear of the passing cars on the other side, and that is actually far more dangerous. If you ride on the edge on the other side, you can avoid the arc of the door coming out. It was reading all these coroner's reports and stuff that saved me yesterday, because I was right on the edge of a very wide bike lane and an unnamed North Melbourne Kangaroos player blew open the door and, luckily, I was wide enough. I had the education, but that driver did not have the education. If just one of those two parties has an education, I think it too would be making huge progress in reducing the crash rate.

Mr DRUM — Jay, do you have any near misses caused by pedestrians?

Mr TILLEY — Obviously this is all anecdotal, but no, not usually. It has just been drivers who are obviously in a hurry to go somewhere or who are just absentminded. I have never had it with passengers. It has always been drivers. Pedestrians, no. I think when they were at the teething stage of having the Netherlands bike paths on Swanston Street and on Albert Street, people would be on their phone and just walk out into the designated bike lane. After a month or so of that I have not experienced anything like that since.

Mr DRUM — Greg, are you aware, and is it an offence for a pedestrian to cause a hazard?

Mr BARBER — I do not know the answer to that, Mr Drum. I can look it up for you. The most common type of accident involving a bicycle is still at an intersection though. The cross-intersection accidents are still the most common bicycle accident type. That is how I got clobbered.

Mr DRUM — That is cars not seeing bikes?

Mr BARBER — Yes, at intersections though.

Mr DRUM — It would be similar to a motorbike.

Mr BARBER — Yes. If you jump onto CrashStats, you can look at all the different accident types and DCA classifications. What is notable about this type of accident is how fast it is growing; it has doubled in a fairly short order. I should just note that in the second-reading speech we said it had been 4 per cent over the last 10 years; it has actually been 4 per cent over the last 20 years, and it is starting to rise very rapidly now.

Mr SOMYUREK — It peaked in 2004 and then went back down again.

Mr BARBER — Yes. We are talking about a small number of accidents, so the data is variable from year to year, but there is a steady rising trend there. It is not hard to see that it relates to an increased number of cyclists on the road, particularly in inner city areas where there are many of this type of bike lane. The question is: what are we going to do to prevent that?

Mr SOMYUREK — Do you know what happened in 2004 before it peaked, as it did, then it came back down sharply? I am just trying to work out what environmental factors or what other variables are at play.

Mr BARBER — No. Given that we are talking about small amounts of data and year-on-year variations, it is the Monash University Accident Research Centre with their tools that can do that kind of analysis, but it is steadily rising, although variable. I do not think there is any doubt that we will see it again with this year's data, as we will also see another huge increase in cycling when the census comes in. That equates to two to three of these accidents each week, and so if you read about it in the paper every second week, which you now do, that is still only the tip of the iceberg.

Mr FINN — Just as a matter of an off-the-cuff observation from travelling through Parkville and Brunswick in recent days, could it be that those accidents at intersections are caused by cyclists who do not actually stop at the red lights? But anyway that is another thing altogether.

I am interested to hear what you say about parental responsibility, because I too am a great believer in that, but I am just wondering how far this law would take that parental responsibility. For example, if I was driving and one of my children opened the car door and an accident were to occur and the prosecution were to take place, would it be my points that would be sacrificed for the crimes of the child, as it were?

Mr BARBER — Certainly you would have to pay your child's fine.

Mr FINN — What about the demerit points though?

Mr BARBER — I will have to check on that detail for you.

Mr FINN — So you are not sure what the bill actually says on that one?

Mr TILLEY — I am pretty sure that the discretion is given to the prosecuting authorities. I can confirm that for you. We can find that out and get back to you.

Ms PULFORD — Perhaps if I could make a comment, and then I have got just one last question. But perhaps the penalty that applies for children not having their seatbelts on and the way that the driver has that responsibility might provide us with a bit of an indicator there. It is the driver's responsibility in that instance, even though it is not all that easy to drive a car and put a seatbelt on somebody in the back seat at the same time.

Mr BARBER — I think we went through the same thing with drinking while driving.

Ms PULFORD — It does ring a bell.

Mr DRUM — Speak for yourself.

Ms PULFORD — Yes, but it might be something we can look at.

Mr BARBER — With drinking while driving there are different approaches that are taken in different states as to whether you or your passenger who was drinking while you were driving would suffer the fine.

Ms PULFORD — One more question then: if the government were to change the regulations to increase the penalty units to 10 and the demerit points, would that be a satisfactory outcome as far as you are concerned?

Mr BARBER — It would achieve the exact same effect, I am sure. They could do that tomorrow through the *Government Gazette*.

Mr TILLEY — Also, to allay Mr Drum's fears that he raised before about it being in the act instead of the rules, it is purely cosmetic. It would have the same legal effect. It is just whether it is in the regulations or the mother or parent act.

The CHAIR — Can I just ask one question as a point of clarification, and that is: do you see the 10 penalty points as the standard fine or the maximum fine to be imposed in certain circumstances, given that we have spoken tonight about children — perhaps to have some discretion in there — or indeed someone that was elderly? Increasingly there are elderly passengers, some of whom do not have the same cognitive skills as they once had. Is there room, do you envisage, in your bill for that sort of flexibility?

Mr BARBER — It is equivalent to running a red light or driving past a tram. It is the equivalent level of offence to doing that. It just seems to me that it is an anomaly that it is actually so low in this case because those same behaviours — running a red light or driving past a tram with passengers boarding — seem just as likely to cause an accident as opening your door carelessly.

The CHAIR — So that is a yes?

Mr BARBER — Yes.

The CHAIR — Okay, thank you.

Mr TILLEY — Once again, it has to go to the magistrate and go through the legal process. The infringement stays the same.

Mr DRUM — Could I get Jay and Greg for this one? Has any credence been given to the basic argument that it is in the driver's own interest to look? I would suggest that for 80 to 90 per cent of drivers it is in their interest so that they do not lose their door to a car. When you ask most people about this, they say, 'Well, isn't it just common sense that you simply look?'. In drafting the bill, have we given any credence to that? Unlike driving past a stationary tram with people alighting and departing, unlike rolling through a stop sign, unlike driving past a children's crossing outside a school — they are all ridiculously dangerous behaviours. This is one where it seems to be dumb to open a car door without looking. Can you understand the question? We are regulating against common sense in this regard. Common sense means we do one thing, and what we are doing is we are regulating for the dummies.

Mr BARBER — That has already been done. This already exists in the existing road rules. The only question before the committee in relation to my bill is whether to make the offence come up from 3 penalty units to 10 penalty units. That is the first thing. The second thing is that it is outside the scope of the bill, but if you want us to collect for you from that same database, or you could do it yourself on a rainy afternoon, the number of times when someone opens a car door in front of a car, we could get that statistic for you. So, yes, people do it despite the fact that they might have their car door ripped off, but it is outside the scope of what we are trying to achieve here. We can only go back on our own observations, and my own observation as a cyclist is that you ride down the bike lane and you try to spot the people in the cars — —

Mr DRUM — You do.

Mr BARBER — You see the head go down as they pick up something off the passenger seat, and then you know that while they are shuffling for their coffee they are going to open the door with the right hand and fling it open and then the legs are going to go out. You cannot always see them; you cannot always see their heads even to anticipate their behaviour. So you are just riding, like Mr Jay Tilley is now, going: 'Think about bikes, think about bikes, think about bikes, think about bikes' all the way to work. It is like a mantra. As I say, this is a very simple legislative proposition. It is only one tiny tweak. We did open it up, Madam Chair, to large public policy discussion.

The CHAIR — Indeed. I have a couple of points of clarification that I would really like before I think we have probably come to about the end of the questions. There are two points of clarification, if I may. One is that you have chosen 10 penalty points for the appropriate penalty. New South Wales and Queensland have 20 penalty points for dooring. What was the rationale behind that?

Mr BARBER — I was not aware of that, but it is open to the committee, of course, in their report to recommend an even tougher penalty, if that is what you choose to do.

The CHAIR — So this is not something that you are seeking or that you would be welcoming, and you have not compared it with the other states?

Mr TILLEY — We compared it with other offences in Victoria for parity. I can just give you a few examples: speeding less than 35 ks; obstructing traffic while doing a U-turn; going through traffic lights; stopping at a children's crossing; overtaking and passing; contraventions of signs; stopping in an emergency lane; disobeying a one-way sign; disobeying many other signs; cyclists driving through traffic lights — you will be glad to know, Mr Finn; not wearing seatbelts; and so forth.

The CHAIR — In other words, it was a comparative with current Victorian legislation.

Mr TILLEY — Yes.

The CHAIR — The last question I have is: given that this is a very serious issue and you have expressed that this matter needs to be dealt with as a matter of urgency, why is the operative date not until 28 days after royal assent?

Mr BARBER — There is no particular answer to that.

The CHAIR — Okay, thank you.

Mr BARBER — There have been 28 days since we brought forward the bill, so — —

The CHAIR — One final question.

Mr RAMSAY — I have a couple of observations. I do a lot of cycling around the Great Ocean Road, and at dawn and dusk visibility for a driver and a cyclist is a big issue. I am yet to know why we do not actually have more highly visible vests for cyclists, particularly out on the open road. I know that has nothing to do with this particular bill, but it is just an observation.

The other one, Greg, is that I live in Albert Street in a flat there, and I play Russian roulette every morning and night crossing the bike lanes. I put it to you that with the bike lanes — and I understand it is still on trial with the Melbourne City Council in relation to Albert Street — the speed has greatly increased in relation to those cyclists using those lanes. They are coming down the hill, and I reckon they are doing about 40 kilometres an hour, so I suppose I pose the question: because the council has made provision for bike lanes, it seems to be increasing both traffic and the speed of traffic of cyclists and on that basis actually increasing the danger. I am still trying to grapple with this. I know a poor, innocent person should look and take responsibility for opening a door, but they might do it inadvertently, not maliciously, and a cyclist ploughs into that door going at significant speed in a designated area and then these fines are imposed by the heavy penalty that you are suggesting. Is that fair and reasonable?

Mr BARBER — We do not call it a heavy penalty. We simply argue, as Mr Tilley did, that it is in line with other similar offences. It is not a bill for the relocation of bike lanes, although that was a specific recommendation from the Coroners Court.

Mr RAMSAY — I am making an observation. I was just wanting some comment.

Mr BARBER — Secondly, you are probably right: a cyclist at top speed, going downhill, would be doing 35 or 40. I for one would like to see city-wide speed limits of 40 kilometres an hour. If we can get the cars in various streets down to 40 kilometres an hour, I would be a very happy man indeed. I absolutely believe that cyclists should obey all the necessary road laws. It is not simply that they are causing a danger to themselves; cyclists running a red light could cause a car to swerve to try to miss them. There could be an extremely serious accident out of that. All road users should obey all the relevant road laws at all times. I do not put moral relativities on different classes of people at different times.

Mrs COOTE — Thank you very much indeed. Given that this is a very specific issue here — about whether we have legislation or regulation, and that is the purpose of this bill — debate on the bill and the wider ramifications and evidence will take place at a later stage. Our charter is one that is very specific. Does anyone else have any other questions relating to what we are dealing with here on this bill tonight? If not, I would like to thank both of you — Jay Tilley and Greg Barber — very much indeed for bringing this bill to the Legislation Committee of the Standing Committee on Economy and Infrastructure. It is our very first bill, I might say — the inaugural bill — so it has its place in history. I think you have covered a great deal and dealt with great patience with all our questions, and I thank you very much.

This brings to a close the public part of our deliberations tonight. We are going to call for submissions with a view to presenting our report to the Parliament, I think, around the middle of June. I really want to thank you very much indeed for taking part tonight, and I once again thank those members of the public who have joined us.

Mr BARBER — Thank you, Chair.

Mr TILLEY — A pleasure.

Committee adjourned.