



LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY

**Report on the inquiry into
the use of skateboards and in-line skates near shops**

Report Number 5
STANDING COMMITTEE ON SOCIAL POLICY
April 1997

RESOLUTION OF APPOINTMENT

The following general purpose standing committees be established to inquire into and report on matters referred to them by the Assembly or matters that are considered by the committee to be of concern to the community...

...a Standing Committee on Social Policy to examine matters related to health, hospitals, nursing homes, welfare, employment, housing, social security, the ageing, people with a disability, the family, Aboriginal people, youth affairs, the status of women, multicultural affairs, industrial relations, occupational health and safety, education, the arts, sport and recreation.

Minutes of Proceedings, No.1, 9 March 1995, p 7.

TERMS OF REFERENCE

On 31 May 1996 the Standing Committee on Social Policy adopted the following resolution:

Inquire into and report on the use of skateboards and in-line skates near shops with particular reference to:

1. the needs of young people;
2. pedestrian safety issues; and
3. any other related matter.

COMMITTEE MEMBERSHIP

Ms Kerrie Tucker (Chair)

Ms Marion Reilly (Deputy Chair)

Mrs Louise Littlewood (appointed 18 February 1997)

Mr Harold Hird (discharged 18 February 1997)

Secretary: Ms Judith Henderson

Research: Ms Fiona Clapin

Assistance: Ms Kim Blackburn

PREFACE

The Social Policy Committee took on this inquiry in response to a proposal by Mr Hird MLA to introduce legislation banning the use of skateboards and in-line skates within 10 metres of a shop.

The use of skates has increased markedly over the past 10 years. It is clear from the number of people who contacted the Committee that there are many people who enjoy skating, both on in-line skates and skateboards. It may even be that the opportunity to skate and in-line skate in Canberra can become a tourist attraction. However, it is also clear that there are issues of concern to pedestrians which need to be addressed, especially for older people who are fearful of falling and who are startled by the speed of some skaters. I believe the Recommendations of this report acknowledge the concerns of all the participants and that if implemented they will lead to a situation where public spaces can be shared co-operatively.

The Committee has not recommended any legislation but rather that an educative and co-operative approach be taken. Apart from the fact that any regulation would be difficult to enforce, the Committee believes that it is important that young people are given an opportunity to work with other members of the community to find solutions to the problems which have arisen.

The Committee's recommendations focus on the manner of skating rather than where skating takes place. We have therefore recommended that there be a trial of 'go-slow zones', and that a *Code of Conduct and Community Education Project* be developed in consultation with all stakeholders. We also have recommended that the Government look at the possibility of expanding the Civic skateboard facility and the provision of further facilities in other areas of Canberra. If facilities do not meet the needs of young people then 'go-slow zones' and a co-operative approach are less likely to be successful.

During the course of the inquiry other issues related to young people and public space were raised by a number of participants. Public transport, particularly services meeting the travel needs of young people, is inadequate. I am deeply concerned about the number of young people who felt alienated and unwelcome in public places. Many felt that there was a stigma attached to being young. They felt that the media often portrayed young people as trouble makers, that police relations with young people were bad and that no-one was really interested in hearing their views.

As a community we need to be concerned about such perceptions. I hope that by including young people in finding solutions to problems associated with the use of skateboards we can start acknowledging the positive contribution made by young people to our community.

I would like to thank all those who participated in the inquiry. I would also like to thank my colleagues Marion Reilly MLA, Louise Littlewood MLA and Harold Hird MLA for their contribution and Fiona Clapin and Judith Henderson of the Committee secretariat.

Kerrie Tucker MLA
Chair
15 April 1997

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SUMMARY OF RECOMMENDATIONS

No legislation

Recommendation 1

The Committee recommends that no legislation be introduced at this stage regulating the use of skateboards and in-line skates around shops.

Implement trial 'go-slow zones'

Recommendation 2

The Committee recommends that by October 1997, the ACT Government develop 'go-slow zones' for skaters around shopping centres with appropriate signage. This should be reviewed after twelve months and a report be provided to the Social Policy Committee.

Code of Conduct and Community Education

Recommendation 3

The Committee recommends that, by October 1997, the ACT Government develop a Code of Conduct and a community education project for skaters and pedestrians. Consultation should take place with skateboarders, in-line skaters, pedestrians, the police and other key stakeholders. The Code of Conduct and community education project should take account of public submissions made during this inquiry and be consistent with other recommendations made by this Committee.

Code of Conduct

Recommendation 4

The Committee recommends that the Code of Conduct include the following principles:

- mutual recognition by all users of the legitimacy of varying uses of public space and the accompanying responsibilities
- specific advice for skateboarders and in-line skaters which acknowledges any differences between the two groups;

- a suggested protocol for skaters skating near pedestrians and cyclists;
- encouragement for skaters to be aware of the physical limitations and anxiety of some pedestrians; and
- respect for public property.

Community Education Project

Recommendation 5

The Committee recommends that the ACT Government fund a community education project which employs a community worker to promote community education on safe skating practices. The project should be targeted at both skaters and pedestrians.

More skating advice in school safety programs

Recommendation 6

The Committee recommends that school road safety education programs be adapted to include more information on the safe use of skateboards and in-line skates. The skating component should be consistent with the community education project and actively promote the Code of Conduct and 'go-slow zones'.

Use urban design to diminish skating damage

Recommendation 7

The Committee recommends that the Department of Urban Services investigate whether particular design features located near pedestrian traffic could be designed so they are not attractive to skaters.

Promote skating as a tourist attraction

Recommendation 8

The Committee recommends that the Government investigate how skating could be promoted as a tourist attraction.

Civic skatepark

Recommendation 9

The Committee recommends that the Government:

- consider extending the Civic skatepark;
- relocate the air monitoring unit and remove the hedges to improve safety at the Civic skatepark; and
- investigate the feasibility of relocating the electrical substation.

Recommendation 10

New facilities

The Committee recommends that the Government investigate the feasibility of providing additional skating facilities in Canberra.

Adequate funding

Recommendation 11

The Committee recommends that adequate funding be provided by the ACT Government to enable development, implementation and evaluation of the 'go-slow zones', the Code of Conduct, school safety programs, the community education project and to address the safety issues at the Civic skatepark.

1. BACKGROUND

Background to Inquiry

1.1. In mid 1996, Mr Hird MLA indicated his intention to introduce legislation banning the use of skateboards and in-line skates within 10 metres of a shop. His specific proposal was to amend the *Traffic Act 1937* so the restriction applying to cyclists riding within 10 metres of shops would be extended to skateboard riders and in-line skaters.¹ This initiative was in response to representations Mr Hird had received from constituents who were fearful of being injured by skateboarders near shops.

1.2. Before proposing this amendment to the Assembly, Mr Hird MLA as a Member of the Social Policy Committee, discussed the matter with the Committee and it was agreed that the Committee would conduct an inquiry.

Conduct of the Inquiry

1.3. The Committee actively sought the views of a wide range of individuals and groups who may be affected by the proposed regulation of skating near shops. The inquiry was advertised in local newspapers in June 1996. In addition, the Committee wrote to over sixty individuals, schools and other organisations with an interest in this issue inviting them to make a submission. In response, the Committee received nineteen submissions and heard from forty-nine witnesses at public and private hearings. Details of submissions received and hearings held are at Appendices 1 and 2.

1.4. Young people are one of the major stakeholder groups with an interest in this issue. The Committee believed it was important to provide young people with an opportunity to speak in situations where they would feel comfortable. Consequently, public hearings were held at Lake Tuggeranong College and the Chess Pit in Garema Place, Civic. The Committee also met with a group of young people at Erindale Youth Centre.

1.5. The Committee wishes to thank all those who provided information, participated in hearings and assisted with visits to schools and skating facilities.

¹ Section 8C of the *Traffic Act 1937* provides that it is an offence to ride a bicycle within 10 metres of a shop during shopping hours.

Scope of the inquiry

1.6. The Committee recognises that over the past ten years or so, the use of skateboards and in-line skates around shops has become more prevalent. Accompanying this change in the use of public space has been a growing concern amongst pedestrians, particularly older people, about their safety. The Committee has sought to find the most effective strategies which address the concerns of pedestrians while simultaneously recognising the rights of all people to use the public space around shops.

1.7. This inquiry has identified the following five main stakeholders: pedestrians; skateboarders; in-line skaters; residents; and shopkeepers. The Committee believes that while each of these groups is entitled to use the space around shops, everyone needs to show consideration for other users and take responsibility for their own actions.

1.8. This inquiry is limited to the use of skateboards and in-line skates near shops. However, some of the recommendations made by the Committee may need to be considered in the broader context of the use of skateboards and in-line skates in the general community. One issue which fell outside the terms of reference but should be addressed in the future by the Government, is the need for guidelines on the use of community paths (commonly known as bike paths). Witnesses advised the Committee there is scope for conflict between cyclists, skaters and pedestrians who currently share these paths.

Terms of Reference

1.9. The terms of reference of this inquiry were criticised in a number of submissions from adult in-line skaters² as being too narrow and not specifically addressing the needs of adult in-line skaters. The Committee agrees that the rights of adult in-line skaters are equally as important as the rights of pedestrians and young people and their views have been carefully considered. The terms of reference also did not specifically refer to the needs of Civic residents. The Committee only became aware of residents' complaints during the inquiry process and their views have also been carefully considered.

² Submissions 12, 14 and 15.

Distinction between skateboarding and in-line skating

1.10. The Committee recognises that skateboarding and in-line skating are two quite different activities with different associated cultures. The skateboarders are usually teenagers and young adults and the in-line skaters are more likely to be much younger children or people in their twenties and thirties or older. Both groups use their devices for recreation and transport, although in-line skaters generally do not 'hang out' around shops doing tricks. Adult in-line skaters use shopping areas when passing through, using their skates for transport. Children and teenagers also use in-line skates but tend to use the skating facilities rather than shopping areas. This report uses the term 'skaters' to apply to both groups where relevant and distinguishes between the two groups where appropriate.

2. INTRODUCTION

Prevalence of skaters around shops

2.1. In recent times, people using skateboards and in-line skates have been making increasing use of areas around shops to skate. Young people using skateboards have been visible around Garema Place and in other shopping areas. Some pedestrians have complained that people using skateboards and in-line skates should not be allowed to use this space as there is a danger that skaters may lose control of their skateboard or collide with them. Skaters have argued that generally they are competent and responsible in their use of skateboards and in-line skates and take care to ensure they do not harm pedestrians.³

2.2. Young people using skateboards are attracted to shopping areas as they often have challenging structures (such as steps and railings) on which they can practise their skateboarding and interesting activities nearby. Also young people, especially if they are skilled skaters may enjoy having an audience and there are more people around shopping areas than other places.

2.3. In-line skaters generally use shopping areas while commuting to work, shops, cafes and restaurants.

2.4. The purpose of this inquiry is to identify solutions which will accommodate the needs of residents, shopkeepers, pedestrians, skateboarders and in-line skaters so that all groups can respectfully share the public space around shops.

Summary of Complaints

2.5. The issues raised by pedestrians, shopkeepers and residents regarding use of skateboards and in-line skates near shops are listed below:

- fear of injury should a collision occur;
- actual injuries experienced;
- feelings of intimidation when skaters are around;
- serious health, social and economic consequences for older people if they fall after being startled by or colliding with a skater;
- noise problems experienced by Civic residents when skaters congregate outside their building and do tricks through the night;
- damage to public property used by skateboarders to do tricks; and

³ Submission 11, Transcript of Proceedings (28 February 1997) p121

- perceptions by shopkeepers that skaters deter some older residents from using their shops.

Refer to Chapters 3-5 for more detail.

Current legal situation in the ACT

2.6. Currently there are no specific legislative controls regarding the use of skateboards and in-line skates near shops.

2.7. Cyclists, however, are restricted from riding a bicycle within 10 metres of a shop during shopping hours under Section 8C of the *Traffic Act 1937* but this provision of the legislation is rarely enforced.

2.8. Generally, people using skateboards and in-line skates are regarded as pedestrians within the ACT, and the normal provisions that relate to pedestrians are applicable.⁴

2.9. The Committee received advice from the Attorney-General on the question of public liability should a skater collide with a pedestrian or cause damage to public property. These issues are discussed later in this report.

National Context- Australian Road Rules

2.10. The latest draft version of the Australian Road Rules legislation addresses the use of skateboards (and similar devices) in regard to roads, footpaths and bicycle paths. According to the Department of Urban Services, it now seems certain that the new Australian Road Rules legislation will not cover the use of small wheeled transports (SWTs)⁵ in the vicinity of shopping centres.⁶

2.11. It is expected that the Australian Road Rules will allow local authorities to regulate the use of SWTs to suit local conditions. Other states, such as South Australia have already introduced legislation for the use of skateboards.⁷

⁴ Submission 7

⁵ SWTs consist of in-line skates, roller skates, skateboards and other similar devices that are propelled by human power only, and which can be used for conveying a person.

⁶ Submission 7.

⁷ South Australia has introduced legislation allowing on-road use on minor roads. Restrictions can also be applied by local councils by signposting or regulation, helmets are mandatory and penalty provisions are in place. This is accompanied by a Code of Conduct.

Previous attempts at regulation in the ACT

2.12. In 1992 Mr Gary Humphries MLA attempted to use legislation to ban skating near shops. He introduced the *Traffic (Amendment) Bill (No.2) 1992* with the intention of controlling the use of skateboards, roller skates and roller blades in areas designated as shopping centres.

2.13. The *Traffic (Amendment) Bill (No.2) 1992* extended the provisions of Section 8C of the *Traffic Act 1937* by extending the prohibition on the riding of a bicycle in designated areas to include a prohibition on the use of skateboards, roller-skates and roller blades in those areas. It also provided for bus interchanges being treated in the same way as shopping centres for that purpose.

2.14. In June 1993, the Assembly referred the Bill to the Standing Committee on Legal Affairs to consider the issue further and to come up with options and strategies to address the concerns expressed. The Committee on Legal Affairs released a report in December 1993 with the following recommendations:

1. The Legislative Assembly not proceed with the Traffic (Amendment) Bill (No.2) 1992.

2. The Youth Affairs Section of the Chief Minister's Department, in conjunction with the Council on the Ageing (ACT), the Cyclists Rights Action Group and the Youth Affairs Network of the ACT, design and coordinate a public education campaign on the safe use of skateboards, roller blades and bicycles.

3. The Government establish skateboarding facilities in Civic and at Phillip similar in standard to the facility provided at Belconnen.

*4. The Section 56 car park near the Griffin Centre be considered for the establishment of a skateboard facility in Civic.*⁸

2.15. The then Government's response to the Standing Committee on Legal Affairs' report was that the Traffic (Amendment) Bill (No.2) 1992 not be proceeded with, that existing road safety programs be expanded to include

⁸ Standing Committee on Legal Affairs, *Traffic (Amendment) Bill (No.2) 1992, Report No.3, 1993, p17.*

education on the safe use of skateboards and in-line skates and that new skating facilities be established.

2.16. The Social Policy Committee wrote to the Chief Minister seeking information on the implementation of these recommendations. The Chief Minister advised that ‘there have not been any specific educational campaigns on the safe use of skateboards and in-line skates.’⁹ The Chief Minister noted that ‘the ACT Department of Education’s general road safety education programs cover such matters as the safe use of skates’ but no further details were supplied.

2.17. The Committee understands that Recommendation 2 (regarding the need for more educational campaigns on the safe use of skateboards and in-line skates) was not implemented initially because the Government was awaiting the finalisation of the Australian Road Rules and more recently awaiting the recommendations of this Committee.

ACT Draft Small-Wheeled Transport (SWT) Strategy

2.18. In 1994, the Department of Urban Services released a draft small-wheeled transport (SWT) strategy which identified the need to develop the following principles regarding the use of SWTs: rights for non-users; acceptance of SWTs as a minor category of transportation; use on community paths; restrictions; monitoring; enforcement; need for new facilities; the encouragement of safety practices; and education.

2.19. The draft strategy was released in July 1994 for a three month period of public consultation. The Department of Urban Services decided not to release a final ACT SWT strategy because national Australian Road Rules (ARR) legislation was expected to be implemented in 1998. The Department of Urban Services advised:

*It is now intended to wait for the legislative changes to be implemented as part of the ARRs, and only change ACT legislation for the provisions in the Strategy which are not included in the ARRs. This course of action will avoid changing legislation only to have it superseded and will allow changes to be introduced in the context of national developments.*¹⁰

⁹ Letter from Chief Minister to Ms Kerrie Tucker MLA, dated 10 February 1997.
¹⁰ Submission 7

Conclusions

2.20. The Committee understands the Department of Urban Services has delayed action to implement guidelines on the general use of SWTs because of the impending Australian Road Rules and while awaiting the recommendations of this Committee. Because the Department of Urban Services now has fairly clear information on the likely content of the Australian Road Rules section on SWTs and this Committee has now reported on the use of skateboards and in-line skates around shops, it is appropriate that the Government now produce guidelines on the use of SWTs in the ACT.

2.21. The terms of reference of this Committee are confined to considering the use of skateboards and in-line skates near shops. However it is clear from the submissions received and public hearings that an updated small-wheeled transport strategy is needed from the ACT Government which addresses the broader issues in relation to skateboards and in-line skates. The recommendations of this Committee could be incorporated into a broader policy framework embracing the use of SWTs beyond shopping areas if necessary, for example, on community paths and roads.

3. PEDESTRIAN SAFETY ISSUES

Fear of injury

3.1. Fear of injury or collision was the major complaint raised by representatives of pedestrians.

3.2. Anecdotal evidence indicates that many pedestrians, especially older pedestrians, are fearful of walking around areas where people are using skateboards and in-line skates. The Council on the Ageing and the Older Women's Network both emphasised that this fear was very prevalent amongst older people.

3.3. In their submission, the Council on the Ageing argued very strongly for policies to protect the general public from the risk of injury. In their view 'the safety of older people is a greater need than the recreational opportunities that may be forgone by skateboarders and in-line skaters'.¹¹ The Council also drew attention to their recent survey which revealed that almost 25 per cent of older people routinely experienced cycles and skates as obstacles to walking.¹²

3.4. The Committee acknowledges that shopping centres play a vital role in the economic and social lives of older people and if older people are deterred from visiting shopping centres this can lead to social isolation.

3.5. Skateboarders and in-line skaters felt that pedestrians need education and a better understanding of the skills of skaters. One in-line skater suggested that:

*Pedestrian safety can be ensured by educating pedestrians not to move suddenly near skateboards... pedestrians should stand still or keep moving in the same direction, most skaters are considerate of older people.*¹³

3.6. Another possible strategy suggested to the Committee was aimed at addressing the fears of some pedestrians by regulating the manner rather than the place of skating. The Committee considers that an initiative to limit the speed of skaters around shops (eg 'go-slow zones') could be very effective.

¹¹ Submission 10.

¹² *ibid*

¹³ Submission 11.

Actual injuries

3.7. The Committee gathered evidence on ‘incidents’ involving skaters and pedestrians from submissions, anecdotal reports, newspaper reports, reports to MLAs and official police and government statistics.

3.8. Although there are some anecdotal reports of pedestrians being injured by people on skateboards around Canberra, the evidence points to accidents causing injury to pedestrians being much rarer than many people would expect.

3.9. Mr Pat Develin, owner of Pat Develin Pharmacy in Garema Place claimed that he had witnessed about five or six reasonably serious incidents each year in which older pedestrians have fallen due to the actions of a skateboarder. He noted that one woman in particular fell on the pavement, had her tooth damaged, broke her arm and had to be hospitalised.¹⁴ Harold Hird MLA reported that one of his constituents suffered a broken jaw and another a broken leg resulting from collisions at shops. One woman wrote that her three year old daughter had fallen on concrete after being hit by a skateboarder.¹⁵

3.10. The Australian Federal Police advised that their records indicated only five incidents involving skateboards in the previous twelve months and no incidents involving in-line skaters.¹⁶ None of the five incidents involved an injury to a pedestrian. Three of these incidents involved police asking juveniles to ‘leave the areas and not return’.¹⁷

3.11. The Minister for Health and Community Care advised that her department had ‘no record of any complaints involving skateboarders or in-line skaters’. She also noted that the ACT Hospital Morbidity Data Base gives information on injuries caused by skateboards, skating and rollerblades to their users but does not give any information on other people being injured by the equipment.¹⁸

¹⁴ Transcript of Proceedings (28 February 1997), p69.

¹⁵ *The Canberra Times*, Letter to the Editor, 25 November 1996.

¹⁶ Transcript of Proceedings (28 February 1997), pp103-105.

¹⁷ Letter from Minister for Police and Emergency Services, dated 11 April 1997.

¹⁸ Letter from Minister for Health and Community Care, dated 11 March 1997.

3.12. The Committee also wrote to all Members of the Legislative Assembly seeking instances of complaints made about skateboards and in-line skates where a pedestrian was injured over the past two years. Of the five replies received, three reported no specific complaints of injuries, and one had received three or four complaints involving an injury including a fracture. Two MLAs had received some general complaints from elderly people fearful of a collision, and from traders in Garema Place complaining about the noise.

3.13. Submissions were received from two organisations¹⁹ representing older people and while they discussed the severe health and social implications for older people when they are fearful of people riding skateboards and skates, they did not draw attention to any specific injuries or accidents which had occurred.

3.14. In addition, it was noteworthy that no-one came forward to report injuries received from skateboards following both the advertising of the inquiry and the media coverage during the inquiry.

3.15. People who use skateboards and in-line skates near shops report that collisions with pedestrians are very rare and only experienced skaters would skate near shops.²⁰ According to one skater, the potential for embarrassment for losing control of a skateboard acts as a very real disincentive for inexperienced skaters to skate in public areas.²¹

3.16. Although the likelihood of a fall is very small, the Council on the Ageing emphasised that the economic and emotional cost of a fall to an older person can be catastrophic; as people age their risk of falls increases and the consequences are more severe.²² The Older Women's Network pointed out that older people may risk aggravated injury due to sight/hearing difficulties and slower reaction times and older people may have protracted or incomplete recovery from injury due to conditions such as osteoporosis.²³

¹⁹ Submissions 6 and 10.

²⁰ Submission 12.

²¹ Transcript of Proceedings (6 September 1997), p31.

²² Submission 10.

²³ Submission 6.

Liability when an accident occurs

3.17. The Committee sought legal advice from the Attorney-General on the question of liability should an accident occur between a skater and a pedestrian in the vicinity of shops. The Committee was advised:

*In my opinion there is little doubt that a skateboarder could be liable to a person injured in a collision. While it cannot be said that every person so injured would have a legal remedy against the skateboarder and each case would depend on its own facts, it is difficult to see how such claims would be successfully defended.*²⁴

Conclusions

3.18. The Committee concluded that the issue of pedestrian perceptions and fears about their safety around skaters needs to be addressed but banning the skaters was not necessarily the most effective way of doing this.

3.19. The overwhelming weight of evidence from a variety of sources is that actual collisions between pedestrians and skaters are extremely rare and instances where a pedestrian has sustained an injury even more rare. Of course even one incident is one too many, but the Committee believes the very small number of incidents is not sufficient justification for introducing legislation banning skateboards and in-line skates from shopping areas.

3.20. The Committee concluded that provision of information for pedestrians and skaters and the introduction of 'go-slow zones' would be the most effective means of addressing the problem of fear of injury.

²⁴ Letter from Attorney-General, dated 2 April 1997.

4. THE NEEDS OF YOUNG PEOPLE

4.1. The Committee actively sought the views of young people on the proposed legislation. The Committee wrote to all secondary schools in Canberra, visited a youth centre, and held public hearings in the Garema Place Chess Pit and at Lake Tuggeranong College.

Youth access to public space

4.2. PATHWAYS argues that:

*any strategy seeking to cover young people's use of public spaces must be based on the notion that they have as much right to responsibly use this space as any other individual or group of people in the ACT.*²⁵

4.3. Mr Roland Manderson, Artistic Director of Canberra Youth Theatre, argued that it is better to see young people as visible rather than invisible. He pointed out there are benefits for the safety of young people themselves when they are visible, and hanging out together in public places.

4.4. Mr Manderson told the Committee that young people now have fewer options and less acceptance and people tend to demonise them. Factors such as decreasing public transport availability, lack of employment opportunities, lack of all-age venues and lack of free activities and venues will affect how young people behave and what their options are. He pointed out that:

*instead of saying these skateboarders are a nuisance...lets get rid of them, we actually need to start providing other options that send signals that there are possibilities, that there are things that are open for young people...*²⁶

4.5. Young students wrote:

*Our main concern is that the youth of Canberra are not excluded from the general life of the community...(the attraction of skateboards and in-line skates) is that they are an inexpensive and convenient way of getting around...this means they will be present near shopping areas.*²⁷

²⁵ Submission 8.

²⁶ Transcript of Proceedings (7 March 1997), p127.

²⁷ Submission 1.

4.6. One young skater observed:

Something that has been so overlooked in urban planning in Canberra is the right for people to be non-consumers and to be able to hang out in an area without having to be a member of a club...Kingston and Manuka are good examples. You have to consume something there...there is an obligation to buy. You will not see the same community activity or involvement.²⁸

4.7. According to one youth advocate, attempts to restrict or in some way control young peoples' access to public places involves 'kneejerk reactionism, unplanned policy development and political point scoring.' He believes that:

The only reason why young people using public spaces has become a legislative issue is because the State/Territory Governments have failed to address the recreational and social needs of young people. They have designed public spaces for people over eighteen, with access to surplus cash and a certain type of entertainment in mind. Instead of trying to solve this problem by creating innovative and challenging responses to these issues...(they) have chosen to introduce legislation which attempts to control young people's access to these spaces.²⁹

He also states that:

The reason for the negative portrayal of young people participating in this activity in public spaces stems not from the activity itself but the way in which the media plays on its potentially negative aspects and the frustration flowing from the inability of governments to propose any viable alternatives. On a broader level it reflects our community's seeming unwillingness to accept young people, and their activities, in the same way other groups have been accepted. If a cynical view...was to be taken, it could be said that because skateboarding does not produce an economic benefit to the nation, it is therefore of no value to anyone.³⁰

²⁸ Transcript of Proceedings (12 November 1996), p58.

²⁹ Stankevicius, A., 'The Agenda of Social Restriction Surges Slowly Ahead, *Up2Date*, June 1995, Vol, No.5

³⁰ *ibid*

4.8. A young skater advised the Committee that police harass skaters at times. He alleged there had been incidents of police confiscating skateboards in Garema Place and returning them to the wrong person.

Street skating and youth culture

4.9. One young skater pointed out that ‘street skating started about 20 years ago. It is a kind of tradition for a skateboarder to skate around on the streets’.³¹

4.10. An Australia Council report noted that:

*Skateboarding is an integral part of popular culture of contemporary youth; it is their non-traditional form of creative expression...the reason for the popularity of skating is its high risk value and creative skill challenge which empowers skaters to create meaning in their local urban landscape... identification with and participation in the activity (skateboarding) provides a basis for identity beyond a particular group or physical location.*³²

Positive Aspects of Skating

4.11. The Committee has found that as a counterbalance to problems allegedly caused by skaters, there are positive aspects for the community in allowing skaters to use the public areas near shops.

4.12. Skating is a healthy activity, both physically and psychologically. Physically, skating leads to increased fitness and coordination. The skill required by skateboarders to do their tricks and in-line skaters to move, clearly adds to skaters’ self esteem. They feel good about themselves and proud to show off what they have accomplished.

4.13. Skating can also be aesthetically pleasing to watch. One in-line skater stated he was inspired to take up the activity after watching other in-line skaters moving so gracefully.³³ Another submission, from an eighty-seven year old, pleaded with the Committee not to restrict the skateboarders from Garema Place as she frequently walks to Garema Place:

³¹ Transcript of Proceedings (6 September 1996), p49.

³² quoted in Stankevicius, A., ‘The Agenda of Social Restriction Surges Slowly Ahead, *Up2Date*, June 1995, Vol 3, No.5

³³ Transcript of Proceedings (28 February 1997), p123.

*to watch the skateboard riders as I am impressed by their skill, agility and courage and find it pleasant to see young people enjoying themselves in a healthy manner.*³⁴

4.14. Skating is also an ecologically sound and affordable means of transport.

4.15. Others argued that having skaters in Garema Place gave the place ‘a good look...some kind of complexity, and so it becomes an interesting place to visit’.³⁵

4.16. The Canberra environment provides a wide variety of opportunities for skating such as the skateparks, the community paths and areas around the lakes. A recent article in *The Australian* has highlighted the appeal of skating in Canberra for interstate skaters and tourists. The article discussed the variety of facilities available for skating and how the visibility of skaters challenges the perception of Canberra as a sterile and boring city.³⁶

Current facilities

4.17. According to the Department of Urban Services,³⁷ there are currently specific skating facilities in Telopea Park, Stirling, Rivett, Campbell, Kippax, Fadden Pines, Charnwood, Kambah District Park and Richardson as well as the major skate park in Belconnen and the recently completed facility in Civic.

4.18. Many submissions supported the development of new skating facilities and argued that currently there are not enough facilities available. Advocates for new facilities want them to be free, located away from alcohol-available sites, close to amenities, and in close proximity to shops and transport.³⁸ Facilities also need to be close to where large numbers of young people live to avoid the need to travel long distances. Design input from skaters was considered to be important so they include rails, pyramids, stair banks and gaps.³⁹ Sponsorship was suggested as a means of financing any new facilities.

4.19. Woden residents were concerned about the closure of the skating ramp near Phillip oval because it means young people have to travel too far to use a facility. It was suggested that more facilities be provided on a localised basis but be smaller than Belconnen because mini-ramps and shallow bowls are used more than larger

³⁴ Submission 17.

³⁵ Transcript of Proceedings (7 March 1997), p129.

³⁶ Bail, K *The Australian*, Magazine, Feb 22-23, 1997, p38.

³⁷ Submission 7.

³⁸ Submission 11.

³⁹ *ibid.*

ramps.⁴⁰ The concept of transportable skateparks was also raised with the Committee.

4.20. Young people have noted that:

*the development at Belconnen is the most successful...it gets the most patronage, and it is all young people...that is what it is designed for.*⁴¹

4.21. The Committee is aware that if more skating facilities were provided throughout Canberra, young people would still choose to skate around shops, as the shopping areas provide attractions not available in skating facilities. It is likely that in-line skaters would also still want to use shopping areas while commuting to work and cafes and restaurants. Despite this, it is clear that the provision of more specific facilities would have some impact on the numbers of skateboarders in Civic and hopefully on the nature of the use of skateboards, for example the tricks and activities which involve high speed and noise will be less likely to occur in the main areas.

4.22. The Government recently announced the establishment of a skateboard facility (on a similar scale to the Belconnen Skate Park) in the Tuggeranong Town Centre during the 1997-98 financial year. The Committee welcomes this initiative and believes it will have some impact on reducing the numbers of skaters in the Civic area. Anecdotal evidence already suggests a small decrease in the number of skaters present around Garema Place since the opening of the Civic skate facility in December 1996.⁴² The need for a skating facility in Gungahlin must be addressed in the near future.

Civic skatepark

4.23. The new Civic skatepark was built together with a basketball court, a children's playground and a landscaped park within a budget of \$320,000.

4.24. While welcoming the new Civic skatepark, the Committee was made aware of some safety hazards in the vicinity of the park. Currently there are sharps disposal units (for needles) located next to the skatepark and near the children's playground. At times these units have opened and spilt needles onto the area near the skatepark. In addition, the configuration of the electrical substation, the air monitoring unit and tall hedges create screened areas where injecting drug users

⁴⁰ Submission 4.

⁴¹ Transcript of Proceedings (12 November 1996), p56.

⁴² Transcript of Proceedings (28 February 1997), p 70.

can hide. The Committee believes this is unacceptable as young children are being exposed to possible physical damage from needles and to the drug culture.

4.25. The Committee is very concerned about use of drugs, particularly by young people in the area directly adjacent to the Civic skatepark. Most skaters see themselves as not part of drug culture and do not like to be associated with those activities.

4.26. The Committee believes that the Civic skatepark is already too small for use in peak times such as school holidays. In addition, if the 'go-slow zone' initiative is to be successful and young people move out of Civic shopping areas when travelling at speed or doing tricks, the Civic skatepark may need to be extended.

Conclusions

4.27. The Committee recognises the appeal to young people of shopping areas as social spaces offering food, shopping and entertainment in accessible locations. The Committee believes young people have a legitimate right to participate fully in our public places and our society.

4.28. The Committee endorses the view put forward by PATHWAYS that young people are more likely to behave responsibly if they are treated with respect as opposed to being threatened with punishment.

4.29. The Committee congratulates the Government for providing funding for the Tuggeranong skatepark but emphasises it is important that young people be fully involved in the design of the new facility.

4.30. The Committee supports the provision of more skating facilities located throughout Canberra. These should be established following a needs-based assessment and consultation with Canberra youth.

4.31. The Committee would like to see the Civic skatepark expanded. This could be achieved by relocating the electrical substation and air monitoring unit so the skatepark could be extended into this area. This would accommodate the already high use and possible increased demand when 'go-slow zones' are introduced. It would also clear the area of alleys and visually obstructed areas presently used by injecting drug users. The Committee acknowledges there would be a cost involved but still encourages the Government to investigate this in future planning processes.

4.32. Because of the safety issues, as an interim measure, the Committee believes that the air monitoring unit must be relocated and the hedges removed.

4.33. The Committee is very concerned about the drug culture and young people and expects to address this further in its forthcoming inquiry into ‘Services for Children at Risk in the ACT’.

5. THE NEEDS OF IN-LINE SKATERS, RESIDENTS, SHOPKEEPERS AND OTHERS

5.1. While the terms of reference explicitly require the Committee to consider the needs of pedestrians and young people, other groups are also affected by the proposed legislation and their needs are examined below.

In-line skaters

5.2. A number of submissions were received from in-line skaters.⁴³ According to these submissions, this group consists of mostly competent skaters who skate responsibly and safely, and who can stop and turn and skate at a walking pace. They argued that a ban on in-line skating near shops would make skating to cafes and restaurants impossible which could affect revenue to businesses and would also make commuting to work difficult.

5.3. Some in-line skaters have claimed that a blanket ban would penalise one group of people for perceived problems created by a different group.⁴⁴

5.4. They also point out that unlike cyclists and skateboarders, in-line skaters cannot quickly and easily remove their skates to walk in a restricted area.

5.5. The adult in-line skaters argued strongly in their submissions for some type of Code of Conduct to be implemented as an alternative to legislation. They provided examples such as the *On Your Left* pamphlet from Boston, where skaters call out to pedestrians 'on your left' if they are about to pass them on their left. The Committee also notes that South Australia has recently introduced a Code of Conduct for skaters and this has apparently been quite successful.

5.6. Like skateboarding, in-line skating is a very healthy and positive activity. Significantly, in-line skating often provides a means of transport as well as a form of recreation.

Noise problems for residents

5.7. One important issue which emerged during the inquiry was the problem of noise experienced by Civic residents. There is currently only one residential building in Civic, Civic Plaza. In their submission, two residents of City Plaza reported that:

⁴³ Submissions 12, 14 and 15.

⁴⁴ Submission 12.

*We are regularly kept awake or awakened by kids jumping their skateboards in and around City Walk. The noise created by 4 or 5 kids yelling and screaming, and the banging and crashing of the boards is quite incredible and is made worse when the ambient noise level drops late at night. Unlike those living in the suburbs who only have to endure the noise and nuisance of them when visiting Civic, we now have it all the time. The racket sometimes goes all night but is at its worst between 11pm and 3am. Our building has 10.5mm thick glass and...the noise is unbearable.*⁴⁵

These Civic residents also claimed that their views are shared by many others in their building .

5.8. Another resident of City Plaza⁴⁶ echoed the above views on noise and also drew the Committee's attention to the damage caused by skateboards to public and private structures such as benches, marble and tiled edges, tables, planter boxes, rails, tree surrounds, many concrete and paving edges and the granite and concrete around the fountains. She noted that 'most of the benches in the Civic area are damaged by skateboard riders who 'practice jumping on them regularly' and that 'many of the wooden boards on these benches have been replaced on numerous occasions.' She believed that the needs of these young skateboarders have been met by the provision of the new skating facility in Civic.

5.9. The Attorney-General⁴⁷ has advised that skaters could be liable for damage caused to public property if it can be shown that a skater has been negligent. He also advised that currently there is no legislation dealing specifically with noise created by skateboarders and that such noise does not come within the provisions of the *Noise Control Act*.

Issues for shopkeepers

5.10. The Committee invited one Garema Place shopkeeper to address the inquiry to provide information from the perspective of shopkeepers. This shopkeeper stated that Garema Place is 'essentially a shopping pedestrian area, it is not a sporting recreation area'. He saw a conflict between this and a 'semi-sporting activity such as skateboards and roller blades'. He thought skateboards created a

⁴⁵ Submission 2.

⁴⁶ Transcript of Proceedings (28 February 1997), pp107-114.

⁴⁷ Letter from Gary Humphries MLA to Kerrie Tucker MLA, dated 2 April 1997.

safety problem and a noise problem. He also felt ‘most of the skateboard community are good kids’.⁴⁸

5.11. Some city residents argued that the noise experienced by cafe and restaurant patrons in Civic from skateboards was very unpleasant and a deterrent to going to cafes and restaurants.⁴⁹

5.12. One MLA noted that:

*over a period I have been made aware of considerable dissatisfaction from traders in Garema Place about skateboards...the dislike of the noise which creates a major problem of noise pollution.*⁵⁰

5.13. On the other hand, in-line skaters argued that if skating was banned near shopping areas, cafes and restaurants would lose their business.⁵¹

5.14. This inquiry received only one written submission from a shopkeeper which requested that skating be banned from Garema Place.⁵²

Garema Place Chess Players

5.15. The Committee was aware of newspaper reports of clashes between skaters and chess players at Garema Place⁵³. The Committee spoke with Mr Paddy Connell, convenor of the Street Chess Players and understands this conflict between the two groups is not endemic, and the reported clash was probably a one-off situation.

5.16. Mr Connell advised that, in his view, skateboarders should not be allowed in Garema Place unless they were part of an organised activity, just as Street Chess is organised.

⁴⁸ Transcript of Proceedings (28 February 1997), p69.

⁴⁹ Submission 2, and Transcript of Proceedings (28 February 1997), p108.

⁵⁰ Letter from Bill Wood MLA, dated 27 February 1997.

⁵¹ Submissions 12,14 and 15.

⁵² Submission 16.

⁵³ *The Canberra Times* (16 January 1997) *The Chronicle* (23 January 1997).

5.17. However Mr Connell also observed that:

the more proficient ones... (skateboarders) have paid particular attention to ensuring pedestrian safety and limiting disruption to local traders.⁵⁴

Government - Any Question of Public Liability?

5.18. Regarding the question of public liability should an accident occur caused by a skater, the Attorney-General advised the Committee that:

It is difficult to be confident as to the approach that a court would take if a claim were to be made against the Territory arising out of a collision between a skateboarder and a member of the public on unleased land. As far as I am aware there have been no such claims against local authorities in Australia and unless and until a claim is made and decided the likely approach of the courts cannot be predicted with any certainty. However, while in theory the possibility of a finding of negligence against the Territory cannot be dismissed there are clearly powerful arguments that the Territory would not be liable.⁵⁵

Conclusions

5.19. The Committee agrees that in-line skaters should not be restricted from using shopping areas. A ban on in-line skating would severely restrict in-line skaters when they have not done anything wrong. The major problem identified in relation to in-line skating is that because they are so silent people can be easily startled if they come up from behind suddenly. The Committee considers that this can be addressed through education of skaters and pedestrians and through a Code of Conduct.

5.20. The Committee believes that 'go-slow zones' would reduce the noise problem for residents of Civic. It may also be appropriate to place signs requesting consideration for residents at appropriate locations.

⁵⁴ Transcript of Proceedings (7 March 1997) p147.

⁵⁵ Letter from Attorney-General to Kerrie Tucker MLA, dated 2 April 1997.

5.21. The Committee did not receive any strong evidence that skateboarders and in-line skaters were seriously affecting businesses around Canberra. The traders most affected seem to be in Garema Place. Any concerns felt by traders and others could be addressed through community education.

6. PROPOSED LEGISLATION

6.1. This inquiry came about because legislation was suggested as a solution to perceived problems with skaters around shops. The Committee investigated the extent of the problem and then examined the feasibility of a number of alternative solutions. Using legislation to ban skating within 10 metres of shops was one option considered and the arguments for and against are outlined below.

Arguments for legislation

6.2. Those submissions that supported the need to restrict the use of skateboards and in-line skates around shopping centres were mostly from organisations representing older people and argued that older people could face serious injuries from skateboards and skaters who lost control. These injuries could have strong implications for an older pedestrian, such as a long healing time and a reticence to use shopping centres which in turn could lead to social isolation.

6.3. The Committee recognises that these are serious issues facing the elderly pedestrians and agrees that some action is needed to ensure older pedestrians feel welcome and comfortable in shopping areas. Older people are entitled to the same rights of access to public space as younger people.

6.4. The Civic residents also argued strongly in a written submission and a public hearing that some sort of legislation was necessary to ensure residents could sleep at night without being disturbed by the sound of skateboards. The Committee recognises that this is a very real problem for residents. However it is commonly accepted that city living is unlikely to be as quiet as suburban living.

6.5. The Australian Federal Police advised the Committee that while supporting regulation of skating they saw difficulties with enforcement and related matters.⁵⁶

6.6. The Minister for Police and Emergency Services recommended legislation accompanied by an infringement notice system which would effectively decriminalise the offence 'but not making it legal'⁵⁷. He also suggested that:

⁵⁶ Transcript of Proceedings (12 November 1996), p37

⁵⁷ Letter from Minister for Police and Emergency Services to Kerrie Tucker MLA, dated 11 April 1997.

Consideration could also be given to the legislative basis to support the Australian Road Rule 18.9(4) which is along the lines of Section 8C of the Traffic Act 1937 which provides police with the power to caution an alleged offender⁵⁸.

Arguments against legislation

6.7. Many submissions (not all from skaters themselves) argued strongly against legislation. They felt banning skating from shopping centres would not be the most effective way of tackling the problem. Arguments against the banning of skating included:

- young people often do not have identification and the proposed legislation would be very difficult to enforce;
- young people should not be forced out of the city and major shopping areas as they could face more danger and feel socially alienated ;
- such legislation would further damage relations between young people and the police;
- in-line skaters would be deterred from commuting as they would find it hard to avoid travelling through shopping areas on their way to work, would also not be able to skate at lunchtime, nor could they skate to a cafe or restaurant for a meal; this would have an adverse effect on takings for some cafes and restaurants;
- in-line skaters were not happy about having their healthy activities curtailed because of the problems caused by a minority of skateboarders;
- a feeling that the majority should not be penalised for the problems caused by a few; and
- education was seen as a more effective way of changing behaviour than introducing legislation.

Enforcement Issues

6.8. The Committee was advised by many witnesses that the law restricting cyclists from riding their bicycles within 10 metres of shops is not enforced by the police. This was considered to be a crucial point because any legislation banning skating would be based on this law and also not likely to be enforced.

⁵⁸

ibid

6.9. One young person said:

bringing in more punitive rules and regulations that will apply only to young people places them in a position where they are constantly seen as offenders...if you are bringing in a penalty it will hurt these people who do not have the capacity to pay these fines...you can appeal to young people on the basis of social responsibility. That is the way it should be tackled.⁵⁹

6.10. Commander Denis McDermott of the Australian Federal Police sees problems with confiscating skateboards and skates. In his view, this would have an adverse effect on how young people view the police, there would be problems with young people not having identification on them, and to try and enforce (the proposed law) would be an ‘absolute nightmare’. He also noted that it would tie up police cars if they had to take a young person into custody.

6.11. In a letter to the Social Policy Committee⁶⁰, the Minister for Police and Emergency Services admitted that:

it is doubtful whether extending Sections 8B and 8C of the Traffic Act 1937 to apply to SWTs would be absolutely effective. For instance, in the present situation it is unusual for an offender to be charged with offences under Sections 8B and 8C of the Traffic Act 1937 because the offence is of such a minor nature as to not warrant detection, particularly when consideration must be given to the legislative requirements under the Children’s Services Act 1986.

6.12. PATHWAYS, an Information Service for young people, believes previous attempts to address the skateboarding issue have been marked by:

a lack of consideration of young people’s concerns and a general failure to resolve the issue to any of the stakeholders’ satisfaction.

⁵⁹ Transcript of Proceedings (12 November 1996), p61.

⁶⁰ Letter from Gary Humphries MLA to Kerrie Tucker MLA, dated 11 April 1997.

They do not believe the big stick approach is:

likely to succeed and may in fact worsen the problem.... We do not believe that laws regulating the use of these devices will be effective or enforceable.

Other Australian jurisdictions

6.13. Currently New South Wales and South Australia allow SWTs to be used on minor roads. Other jurisdictions do not have specific provisions regarding on-road use.

6.14. In February 1996, South Australia introduced a *Code of Conduct for small-wheeled vehicle users* following the legalising of skating on most residential streets and footpaths. The Code of Conduct explains how and where to skate and outlines the obligations and responsibilities of skaters.

6.15. The Melbourne City Council passed a law in 1992 prohibiting skating in the city from 7 am to 10 pm. The law provides that with a first offence the person is let off with a warning, a second offence leads to confiscation of the 'toy vehicle' for one to two weeks. A third offence results in a \$25 fine. This law is apparently 'poorly policed'⁶¹. In fact the Committee was advised that there have been no fines, no confiscations and no official warnings given.⁶² In addition, the Committee was told that the law does not address the problem that if in-line skates are confiscated the person is left with no footwear⁶³.

6.16. The Melbourne City Council has recently decided, following extensive consultation, to introduce a Code of Conduct, have a community education program, use urban design to change physical structures, have designated recommended access routes for skaters and will probably introduce legislation to regulate damage to public property and stop reckless skating.⁶⁴

6.17. The Committee is of the view that the option of having designated recommended access routes and road use could be considered later by the Government if the recommendations of this report cannot be successfully implemented.

⁶¹ Submission 14.

⁶² Telephone discussion with Wendy Shaw, Melbourne City Council, 2 April 1997.

⁶³ Submission 14

⁶⁴ Letter from Wendy Shaw, Melbourne City Council, dated 2 April 1997.

International Context

6.18. Minneapolis has an ordinance which states :

No person shall ride or propel rollerskates or skateboards upon a public street, highway or sidewalk, except in a prudent and careful manner and unless such a person be capable of efficient control and such rollerskates are operated with reasonable regard to the safety of the operator and other persons upon the streets, sidewalks and other public highways of the city.

Minneapolis also has an ordinance which bans the use of skates and skateboards in malls and public plazas.

6.19. In April 1996 New York City passed an ordinance which makes it illegal to skate recklessly ie 'skating in a fashion such as to threaten the health or possessions of another person'. The penalty is between \$50 and \$100.

6.20. In New York State skating on public roads is legal but skaters must honour all road laws. Skaters have similar rights and responsibilities as held by the driver of a motor vehicle.

Conclusions

6.21. The Committee finds legislation banning the use of skateboards and in-line skates from within 10 metres of shops would be not be enforceable for two reasons: policing priorities would not allow the necessary resources for enforcement; and most young people would not have identification on them. Young people would quickly become aware that this is not an enforceable law and so would become cynical about the law in general and about changing their skating behaviour.

6.22. The Committee is also of the view that an educational approach developed by all players which emphasises respect for all users of public space is the most effective method of changing behaviour. It is important that young people are given the opportunity to participate in developing such strategies.

6.23. One adult in-line skater submitted that if New York City can manage in-line skating without banning the activity then the ACT Government should also be able to do this. The Committee tends to agree with this view. The idea of regulating the manner of skating rather than the place has merit.

7. FINDINGS AND RECOMMENDATIONS

No legislation

7.1. The Committee believes that any legislation based on Sections 8B and 8C of the *Traffic Act 1937* would not be enforced. This would therefore not be an effective strategy in achieving behavioural change in skaters. In addition, such a ban would unfairly restrict the movements and activities of skaters who are using small wheeled vehicles for legitimate transport needs and are not causing a concern to anyone. It would also send out negative signals to young people by discouraging their presence in public space.

Recommendation 1

The Committee recommends that no legislation be introduced at this stage regulating the use of skateboards and in-line skates around shops.

Implement trial 'go-slow zones'

7.2. The Committee finds that there may be some benefit in regulating the manner of skating (rather than the place). It would be useful to trial some 'go-slow zones' in crowded pedestrian areas such as Garema Place. Such an initiative could help allay the fears of older pedestrians, who can be startled by the speed of skateboarders and in-line skaters.

7.3. The aim of the 'go-slow zones' will be to alleviate pedestrian fears and reduce noise around the shopping areas. The Committee acknowledges that the 'go-slow zones' will place greater demands on the skate parks, especially near Civic and there will be a need to expand this facility as the teenage population grows in Canberra.

Recommendation 2

The Committee recommends that by October 1997 the ACT Government develop 'go-slow zones' for skaters around shopping centres with appropriate signage. This should be reviewed after twelve months and a report be provided to the Social Policy Committee.

Code of Conduct and Community Education

7.4. The Committee has decided that the combination of ‘go-slow zones’, a Code of Conduct and a community education project would be the most effective means of changing behaviour while balancing the rights and responsibilities of all stakeholders. The community education project should involve educating pedestrians as well as skaters. Often pedestrians are frightened of skateboards and jump out of the way when the skater would not have harmed them anyway. Skaters say that people who cannot control skateboards or skates do not skate around shopping areas as they would not want to risk the embarrassment of falling off a skateboard. However there are obviously some exceptions to this. The Committee believes that young people will only change their behaviour when they want to and understand why it is important.

Recommendation 3

The Committee recommends that, by October 1997, the ACT Government develop a Code of Conduct and a community education project for skaters and pedestrians. Consultation should take place with skateboarders, in-line skaters, pedestrians, the police and other key stakeholders. The Code of Conduct and community education project should take account of public submissions made during this inquiry and be consistent with other recommendations made by this Committee.

Code of Conduct

7.5. Following discussions with young people, pedestrians, residents and shopkeepers, the Committee recommends the following elements be incorporated into a Code of Conduct.

Recommendation 4

The Committee recommends that the Code of Conduct include the following principles:

- **mutual recognition by all users of the legitimacy of varying uses of public space and the accompanying responsibilities**
- **specific advice for skateboarders and in-line skaters which acknowledges any differences between the two groups;**
- **a suggested protocol for skaters skating near pedestrians and cyclists;**
- **encouragement for skaters to be aware of the physical limitations and anxiety of some pedestrians; and**
- **respect for public property.**

Community Education Project

7.6. The Committee believes a community education project is necessary to ensure safe skating practices are promoted around shops and the rights of pedestrians are protected. Examples of strategies could include:

- the Code of Conduct (detailed above);
- production of an educational video;
- visits to schools which could include skating demonstrations;
- organising skating demonstrations and competitions in the general community;
- organising discussions between young people and older people on the issue;
- production of pamphlets and posters promoting safe skating using artwork by young people;
- promotion of skaters' skills to pedestrians; and
- information to be distributed through skate shops, skate hiring centres, workplaces, bus interchanges, leisure and sports centres, schools, libraries, Shopfronts, shops, senior citizen centres and community organisations.

Recommendation 5

The Committee recommends that the ACT Government fund a community education project which employs a community worker to promote community education on safe skating practices. The project should be targeted at both skaters and pedestrians.

More skating advice in school safety programs

7.7. The Committee finds that there is scope for more advice on safe skating practices to be included in school safety programs. In 1994, the Standing Committee on Legal Affairs recommended more education on safe skating practices. Although the Government accepted this recommendation it appears that there was no expansion of education on skating. To ensure full implementation of this Committee's recommendations, the ACT Government should clearly earmark adequate funding for these projects.

Recommendation 6

The Committee recommends that school road safety education programs be adapted to include more information on the safe use of skateboards and in-line skates. The skating component should be consistent with the community education project and should actively promote the Code of Conduct and the 'go-slow zones'.

Urban Design

7.8. Many young skaters seem to find many structures around the city particularly appealing for skating tricks and this causes damage to public property. The Committee recommends that urban designers make some of these structures less appealing to skaters in the future, especially, in the vicinity of residential buildings.

Recommendation 7

The Committee recommends that the Department of Urban Services investigate whether particular design features located near pedestrian traffic could be designed so they are not attractive to skaters.

Promote skating as a tourist attraction

7.9. The Committee is impressed with the skills of skateboarders and in-line skaters and believes there is scope for the ACT Government to put more resources into promotion of Canberra's skating facilities and Canberra as a great place to skate. For example, Canberra could organise a national skating competition.

Recommendation 8

The Committee recommends that the Government investigate how skating could be promoted as a tourist attraction.

Civic skatepark

7.10. The Committee is most concerned about the current situation at the Civic skatepark with injecting drug users frequently in the vicinity. There are serious safety issues with the sharps disposal units. The present location of the sharps disposal units and the configuration of the structures surrounding the skatepark attract injecting drug users. This is unacceptable for an area which is designed for young children and teenagers. In addition, the Civic skatepark is already proving to be too small to meet the needs of skaters. The implementation of the proposed 'go-slow zones' in Civic will place further pressure on this facility. For all of these reasons, the Committee believes the structures should be removed and the Civic skatepark expanded.

Recommendation 9

The Committee recommends that the Government:

- **consider extending the Civic skatepark;**
- **relocate the air monitoring unit and remove the hedges to improve safety at the Civic skatepark; and**
- **investigate the feasibility of relocating the electrical substation.**

New facilities

7.11. The Committee recognises that demand for skating facilities will change as Canberra develops and as the youth population changes in different areas. The introduction of 'go-slow zones' may also lead to different patterns of demand for skating facilities. The Government can be responsive to these changes by conducting needs based assessments from time to time to determine priorities for the provision of facilities. Consultation with youth should be an integral part of this process.

Recommendation 10

The Committee recommends that the Government investigate the feasibility of providing additional skating facilities in Canberra.

Adequate funding

7.12. The implementation of ‘go-slow zones’, the Code of Conduct, school safety programs, the community education project and the expansion of facilities will require some financial commitment from the Government.

Recommendation 11

The Committee recommends that adequate funding be provided by the ACT Government to enable development, implementation and evaluation of the ‘go-slow zones’, the Code of Conduct, school safety programs, the community education project and to address the safety issues at the Civic skatepark.

Kerrie Tucker MLA
Chair

15 April 1997

APPENDIX 1 LIST OF SUBMISSIONS

1. Year 10 Students, Merci College Braddon
2. Mr and Mrs Heath and the Residents of City Plaza
3. Northside Community Centre
4. Mr and Mrs Hopgood
5. Mr Jock Howe
6. Older Women's Network (ACTION)
7. ACT Government
8. Pathways - Information Service for Young People
9. Woden Youth Centre
10. Council of the Ageing (ACT) Inc.
11. Phillip College
12. Ms Anitra Wenden
13. Mr Ross Scott
14. Ms Stephanie Maxwell
15. Mr Paul Butler
16. Mr Vic Lourandis
17. Mrs Catherine Bradfield
18. Mr Paddy Connell
19. Mr Michael Donovan

APPENDIX 2 PUBLIC HEARINGS

Erindale Youth Centre

- Public Forum- Monday 19 August 1996
Mr Jayson Solloway (youth worker) and six young people.

Lake Tuggeranong College

- Public Hearing- Friday 6 September 1996

1. Mr Kai Cummins
2. Mr Peter Pantos
3. Mr Gareth Hailey
4. Ms Tanya Spisbah
5. Mr Bennett Sutton
6. Mr Joel Steward
7. Mr Gavin Dunley
8. Mr Dominic Burgess

Garema Place Chess Pit

- Public Youth Forum - Tuesday 12 November 1996

1. Michael
2. David Matthews
3. Kim Sattler
4. Jeremy
5. David Branson
6. Peter
7. Chris
8. Alison
9. Madeleine
10. Ian
11. Alex
12. Richard
13. Rae
14. Sharn
15. Rachel
16. Sally
17. Stewart
18. Natalie

19. Paul
20. Brian
21. Cleo
22. Adam

ACT Legislative Assembly

- Public Hearing- Friday 28 February 1997

1. Mr Pat Develin
2. Mr Jim (Council on the Ageing)
3. Ms Ann Wentworth(Council on the Ageing)
4. Ms Stephanie Maxwell
5. Commander McDermott
6. Ms Libby Hissink
7. Mr Michael Milton
8. Mr Paul Butler

- Public Hearing- Friday 7 March 1997

1. Mr Roland Manderson
2. Ms Anne MacDonald (Older Womens' Network Action Group)
3. Ms Nadine Dalgarno(Older Womens Network Action Group)
4. Mr Paddy Connell(Civic Street Chess)

APPENDIX 3 ACRONYMS

ARR Australian Road Rules

SWT Small wheeled transport/toys. These consist of in-line skates, roller skates, skateboards and other similar devices that are propelled by human power only and which can be used for conveying a person.

MLA Member of the Legislative Assembly