INQUIRY INTO VULNERABLE ROAD USERS

STANDING COMMITTEE ON PLANNING, ENVIRONMENT AND TERRITORY
AND MUNICIPAL SERVICES

JUNE 2014

REPORT NUMBER 5
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RESOLUTION OF APPOINTMENT

On 27 November 2012 the ACT Legislative Assembly (the Assembly) agreed by resolution to establish legislative and general purpose standing committees to inquire into and report on matters referred to them by the Assembly or matters that are considered by the committees to be of concern to the community, including:

(e) a Standing Committee on Planning, Environment and Territory and Municipal Services to examine matters related to planning, public works, land management, municipal and transport services, heritage and sport and recreation and matters related to all aspects of climate change policy and programs, water and energy policy and programs, provision of water and energy services, conservation, environment and ecological sustainability.

The Assembly agreed that each committee shall have power to consider and make use of the evidence and records of the relevant standing committees appointed during the previous Assembly.¹

TERMS OF REFERENCE

On 9 May 2013, the Legislative Assembly referred to the Standing Committee on Planning, Environment and Territory and Municipal Services for inquiry and report by the last sitting day in April 2014, the issue of vulnerable road users, including:

(a) an examination of national and international best practice approaches to protecting and encouraging vulnerable road users, including through regulation, infrastructure, design, education and funding arrangements;

(b) gathering evidence from the community and experts about issues faced by vulnerable road users and potential improvements;

(c) recommending changes to be made in the ACT to better protect and encourage vulnerable road users; and

(d) any other relevant matter.

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RECOMMENDATIONS

RECOMMENDATION 1

6.18 The Committee recommends that the ACT Government conduct a review of road rules at intersections and assess changes that could be made to existing road rules that would mitigate risks to vulnerable road users.

RECOMMENDATION 2

6.34 The Committee recommends that the ACT Government review the current cycling education programs available in ACT schools and that consideration is given to compulsory cycling training in all ACT primary schools.

RECOMMENDATION 3

6.43 The Committee recommends that the ACT Government closely monitor the traffic conditions at the intersection of Athllon Drive and Beasley Drive and provide a report to the Assembly by the end of 2014.

RECOMMENDATION 4

6.69 The Committee recommends that the ACT Government introduce awareness programs for cyclists and pedestrians that includes information about off road and shared paths with a particular focus on their responsibilities to share facilities safely with other users.

RECOMMENDATION 5

6.70 The Committee recommends that the ACT Government conduct a review and safety audit of shared paths and undertake modifications to reduce potential risks to users of those shared facilities.

RECOMMENDATION 6

6.95 The Committee recommends that the ACT Government conduct an audit of all pedestrian crossings to assess the safety and suitability of the crossing for the location. It is recommended that, in areas of high pedestrian and cycling activity, consideration should be given to installing shared crossings such as the example in De Burgh Street, Lyneham.

RECOMMENDATION 7

6.96 The Committee recommends that the requirement for cyclists to dismount at pedestrian crossings be amended to enable cyclists to remain on their bikes, but that they must slow to a walking pace prior to entering and when on the crossing.
Recommendation 8

6.111 The Committee recommends that the ACT Government review the current requirements that motorcycle riders must fulfil to obtain their learner and provisional licences and evaluate their effectiveness to provide novice drivers with adequate skills and training.

Recommendation 9

6.112 The Committee recommends that the ACT Government provide ongoing funding to the Motorcycle Riders Association of the ACT to subsidise the Mature Aged Skills Transfer course delivered by Stay Upright.

Recommendation 10

6.130 The Committee recommends that a Vulnerable Road Users brochure be provided to all road users when registration renewals are mailed out. The brochure should include a profile of vulnerable road users and the safety issues that drivers need to be aware of.

Recommendation 11

6.131 The Committee recommends that the ACT Government establish a consultative group to develop a cyclists’ code of conduct document based on the principles outlined in the Victorian document *Sharing roads and paths*.

Recommendation 12

6.152 The Committee recommends that an external audit be conducted on the TAMS Crash Database to evaluate its operation and functionality to ensure it is meeting the needs of all agencies who access its information.

Recommendation 13

6.153 The Committee recommends that the ACT Government commission a research study to analyse the accuracy of accident data collected.

Recommendation 14

6.154 The Committee recommends that the ACT Government conduct an awareness raising campaigns to advise the ACT community of their obligations to report all accidents, including all single and multiple vehicle accidents. The awareness raising campaign should include providing information when registration renewals are sent out.
Recommendation 15
7.19 The Committee recommends that the ACT Government consider amending the ACT Road Rules to mandate a minimum overtaking distance of one metre in speed zones 60km/h and below.

Recommendation 16
7.20 The Committee recommends that the ACT Government consider amending the ACT Road Rules to mandate a minimum overtaking distance of one and a half metres in speed zones above 60km/h.

Recommendation 17
7.21 The Committee recommends that, when implementing the minimum overtaking distance, the ACT Government develop a comprehensive community awareness and education strategy to inform all road users of the minimum overtaking distance requirements.

Recommendation 18
7.36 The Committee recommends that the theoretical component of the drivers licence test be amended to place a greater focus on the examination of the road rules and associated issues as they relate to vulnerable road users.

Recommendation 19
7.37 The Committee recommends that the ACT Government review the 22 driver competencies that must be fulfilled to pass the practical component of the drivers licence test and consider the addition of a competency related to vulnerable road users.

Recommendation 20
7.47 The Committee recommends that the ACT Government undertake a review of attitudinal components of driver licence testing including current Australian driving tests, scientific literature and international experiences with a view to possible inclusion into ACT driving tests if appropriate.

Recommendation 21
7.90 The Committee recommends that the ACT Government examine the introduction of a strict liability scheme in the ACT. This examination should assess the impact of the scheme and include an analysis of alternative approaches, such as cascading rebuttable presumption.
Recommendation 22

7.91 The Committee recommends that the ACT Government present the outcomes from its examination of the introduction of a strict liability scheme in the ACT to the Legislative Assembly by March 2015.

Recommendation 23

7.106 The Committee recommends that the ACT Government consider implementing a trial of lower speed limits in school zones and, residential areas with high level of pedestrian and cycling activity in close proximity to shared paths.

Recommendation 24

7.107 The Committee recommends that the ACT Government conduct a review of the speed limit hierarchy across all roads in the ACT.

Recommendation 25

7.120 The Committee recommends that the Minister for Territory and Municipal Services conduct an evaluation of the trial announced in April 2014 to provide defined separation between cyclists and other traffic. The results of the evaluation should be provided to the Legislative Assembly within three months of completion.

Recommendation 26

7.133 The Committee recommends that the ACT Government conduct a trial of motorcycle lane filtering and forward-stop boxes in Civic by March 2015. The trial should be independently monitored and evaluated and the results of the trial should be publicly available.

Recommendation 27

7.153 The Committee recommends that the ACT Government conduct a targeted education campaign to promote the safety benefits of wearing motorcycle protective clothing.

Recommendation 28

8.12 The Committee recommends that the ACT Road Rules be amended in such a way that motorised mobility scooters are recognised as a separate category.
1 INTRODUCTION

BACKGROUND TO THE INQUIRY

1.1 On 9 May 2013, the Legislative Assembly for the ACT referred to the Standing Committee on Planning, Environment and Territory and Municipal Services for inquiry and report by the last sitting day in April 2014, the issue of vulnerable road users, including:

- an examination of national and international best practice approaches to protecting and encouraging vulnerable road users, including through regulation, infrastructure, design, education and funding arrangements;
- gathering evidence from the community and experts about issues faced by vulnerable road users and potential improvements;
- recommending changes to be made in the ACT to better protect and encourage vulnerable road users; and
- any other relevant matter.

1.2 During debate about the referral of the inquiry to the Committee, it was noted that there is a clear body of evidence showing that certain categories of road users are particularly vulnerable to injury and death. Mr Shane Rattenbury MLA provided the following definition of vulnerable road users:

Vulnerable road users is a term that refers to people who are most at risk in traffic and who are most sensitive to road injury. They are always the weaker party in a collision. Essentially, the term refers to road users who are not protected by a hard metal shell. It includes pedestrians and pedal cyclists, as well as motorcyclists. Specific categories of vulnerable road users also include children and older people. Children and older people are commonly pedestrians that need special consideration and face a higher risk.²

1.3 It was also noted that the inquiry is important in the context of Canberra’s changing transport patterns. If there is to be a focus on increasing the number of people using sustainable forms of transport (such as cycling, walking and public transport), there should be measures to protect and prioritise vulnerable road users to encourage them to use those forms of transport.

² Mr Shane Rattenbury MLA, Debates, 9 May 2013, p. 1820.
CONDUCT OF THE INQUIRY

1.4 The Committee advertised for public submissions in the media and also wrote to a range of stakeholders to invite them to make a submission. The Committee received 54 submissions.

1.5 The Committee held seven public hearings and heard from 36 witnesses. Transcripts of proceedings are available on the inquiry website.

1.6 The Committee received a number of additional research papers and other documents which assisted them with their inquiry. These documents have been published as Exhibits.

1.7 The Committee received answers to questions taken on notice during public hearings.

1.8 All submissions, exhibits, transcripts and responses to questions taken on notice are available on the inquiry website at the following location: http://www.parliament.act.gov.au/in-committees/standing_committees/Planning,-Environment-and-Territory-and-Municipal-Services/inquiry-into-vulnerable-road-users?inquiry=450639

ACKNOWLEDGEMENTS

1.9 The Committee would like to acknowledge the contributions made to the inquiry by organisations and individuals who provided submissions and evidence at public hearings. It was clear to the Committee that the issue of vulnerable road users is an important one to a range of stakeholders. The Committee expresses its thanks for their valuable contribution to the inquiry.

1.10 The Committee would also like to thank staff from the Legislative Assembly library for their research assistance to this inquiry.

STRUCTURE OF THE REPORT

1.11 The structure of the report is as follows:

- Chapter 1—Introduction: provides the background to the establishment of the inquiry and explains the conduct of the inquiry;
- Chapter 2—Road Safety Policy Framework: outlines the national and ACT road safety policies and includes discussion about the Safe System approach to road safety;
- Chapter 3—Who are Vulnerable Road Users: provides a summary of the evidence received about how vulnerable road users should be defined;
- Chapter 4—Snapshot of the ACT: provides injury and fatality data about vulnerable road users and discusses transport policy and related issues;
Chapter 5—National and International Best Practice Approaches: this section summarises evidence received about national and international best practice approaches;

Chapter 6—Issues affecting Vulnerable Road Users and Potential Improvements: describes a range of issues affecting vulnerable road users and suggested measures for improvement;

Chapter 7—Changes to better protect and encourage Vulnerable Road Users: builds on the evidence provided in chapter 6 to outline additional changes to protect and encourage vulnerable road users; and

Chapter 8—Other Matters: outlines evidence provided about technological advances, motorised scooters and Segways.

OVERVIEW OF THE INQUIRY

1.12 The majority of evidence submitted to the inquiry emphasised the issues faced by a particular road user group, for example, cyclists, motorcyclists or pedestrians. In light of this, a number of the initiatives proposed in written submissions or discussed at public hearings were phrased with a particular group of vulnerable road users in mind.

1.13 However, it is important to acknowledge that evidence provided to the Committee also identified that the implementation of initiatives that may increase safety for one vulnerable road user group would, in effect, result in increased safety for all vulnerable road users and indeed for all road users.

1.14 The Committee notes that a central theme underpinning much of the evidence related to the importance of every road user developing a greater understanding of the needs and challenges faced by other road users.

1.15 A fundamental component of developing a greater understanding of other road users requires attitudinal change across all road user groups. Achieving shifts in individuals’ attitude, and more broadly at a community level, is challenging and a task that will not be achieved overnight. As with other road safety issues (such as seatbelts, drink driving and speed limits), changes in community perception is progressive and will likely occur incrementally.

1.16 Evidence received leads the Committee to conclude that there is no single policy response that will result in better protection for vulnerable road users. In order for this to occur, a coordinated and collaborative approach across a number of government agencies and directorates will be required.
2 ROAD SAFETY POLICY FRAMEWORK

NATIONAL ROAD SAFETY POLICY

2.1 The National Road Safety Strategy 2011-2020 was released on 20 May 2011 by the former Australian Transport Council (ATC) and is now overseen by the Standing Council on Transport and Infrastructure. The strategy outlines broad directions for the future of Australian road safety, planned initiatives for the first three years and a range of options for further consideration as the strategy progresses. The initiatives and options are set out in four key areas—Safe Roads, Safe Speeds, Safe Vehicles and Safe People.³

2.2 The foreword of the strategy includes the following:

This strategy is founded on the internationally recognised ‘Safe System’ approach formally endorsed by the OECD. This approach accepts that people using the road network will make mistakes and therefore the whole system needs to be more forgiving of those errors. This means there must be a focus on roads, speeds, vehicles and road user behaviour as well as a range of associated activities, including performance monitoring and reporting.⁴

ACT ROAD SAFETY STRATEGY

2.3 The ACT Road Safety Strategy 2011-2020 provides a framework for addressing ACT road safety concerns for the 10 year duration of the Strategy and includes three strategic goals:

- reductions in ACT road trauma that meet objectives under the National Road Safety Strategy 2011-2020;
- an ACT community that shares the responsibility for road safety; and
- agencies and stakeholders working together to improve road safety.⁵

2.4 The Strategy notes that it is influenced by the Swedish Government’s Vision Zero policy, which ultimately aims for no one being killed or seriously injured within the road transport system.

2.5 The Strategy is supported by multi-year action plans which include a range of education, encouragement, engineering, enforcement, evaluation and support measures. The first Action

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Plan under the new Strategy covered the years 2011-2013 and the Committee is aware that the Action Plan is currently under review.

2.6 The ACT Government submission noted that consideration is currently being given to additional measures for protecting vulnerable road users to develop the next action plan under the ACT Road Safety Strategy which will cover the period 2014 to 2017. Stakeholder workshops have also been held to inform the development of the next action plan. The submission also noted that ‘work on drafting the action plan has commenced and public submissions on the draft document will be invited in late 2013’.  

2.7 The Strategy lists six key road safety issues as follows:
- impaired driving;
- speeding;
- lack of care and driver distraction;
- single vehicle crashes, rear end crashes and right angle crashes;
- vulnerable road users, particularly motorcyclists; and
- novice drivers.

2.8 The Action Plan provides a list of actions designed to address the key road safety issues outlined in the Strategy as well as providing specific action items to address the three strategic objectives in the Strategy. There are a number of action areas identified as priorities for the protection of vulnerable road users including:
- implement trials of reduced speed limits in areas with high conflict with vulnerable road users;
- evaluate new road placements and designs to ensure that the chosen type and location of road furniture poses the smallest risk as possible to vulnerable road users;
- educate and encourage all road users to obey road rules and to be unimpaired and alert when sharing the road. In particular, motorists need to be fully aware of their interactions with more vulnerable road users such as pedestrians, bicyclists and motorcyclists.

2.9 The Committee received evidence from NRMA Insurance suggesting that existing road strategies in the ACT should be examined to verify their effectiveness in relation to vulnerable road users. NRMA Insurance also noted that although the Action Plan includes activities to address specific vulnerable road user groups, there was a spike in cyclist, pedestrian and motorcyclist injuries and fatalities in 2012.

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9 NRMA Insurance, Submission No. 7, p. 6.
**Governance Arrangements**

2.10 The ACT Government submitted that the implementation and oversight of actions under the *ACT Road Safety Strategy* is delivered by a number of agencies including: the Justice and Community Safety Directorate (JACS), ACT Policing, Territory and Municipal Services Directorate (TAMS), Health Directorate, Education and Training Directorate and Environment and Sustainable Development Directorate (ESDD).

2.11 The Committee inquired about the role that the JACS Directorate has with regard to road users policy, as opposed to TAMS’ role. Mr Simon Corbell MLA, Attorney General, advised as follows:

The responsibility of the Justice and Community Safety portfolio is in relation to road safety policy. The reason that road safety policy sits within the Justice and Community Safety Directorate is that there are very close linkages between policy and amendments to relevant legislation.

Whilst previously some legislation was the responsibility of the Territory and Municipal Services Directorate, most of the policy functions—for example, roadside random breath testing, roadside random drug testing and other laws in relation to driving—were always administered by the Justice and Community Safety Directorate. A number of years ago the government took the decision to more closely align policy functions by bringing all within a single portfolio in the Justice and Community Safety portfolio.

The roles and responsibilities of Territory and Municipal Services relate largely to management of road infrastructure and decisions that relate to the provision of road and transport infrastructure, such as cycling lanes, on and off-road cycling facilities and other issues to do with the physical provision of road safety and transport infrastructure.\(^{10}\)

2.12 The Committee notes the following description of the functions of Roads ACT in the *Territory and Municipal Services Annual Report 2012-2013*:

Roads ACT manages the construction, operation and maintenance of roads and associated infrastructure such as bridges, community paths, driveways, street signs, line marking, traffic signals, street lighting, bus shelters, bus stops and stormwater.\(^{11}\)

2.13 The Committee received evidence about the merits of a collaborative approach to road issues. Living Streets Canberra submitted that in order to proactively gather evidence about issues faced by vulnerable road users, the ACT Government could establish a (a) Vulnerable Road Users Committee and Secretariat, and (b) a Vulnerable Road Users Advisory Group. It was

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\(^{10}\) Mr Simon Corbell MLA, *Transcript of Evidence*, 28 April 2014, p. 179.

\(^{11}\) *Territory and Municipal Services Annual Report 2012-2013*, p. 32.
suggested that the Advisory Group could ‘comprise representatives of relevant government agencies, together with community members representing vulnerable road users including pedestrians, cyclists, motorcyclists, children and people with disabilities’. It was noted that it may feasible to achieve the same objectives by expanding the scope of existing consultative groups.\textsuperscript{12}

2.14 At a public hearing on 5 March 2014 Ms Margo Saunders told the Committee:

> When it comes to protecting vulnerable road users, no-one has a monopoly on information and insights. More sharing of data and research findings would be enormously beneficial.\textsuperscript{13}

2.15 Ms Saunders went on to explain that the public health approach is relevant to discussions about road safety as it places a significant emphasis on prevention.

> It does this by identifying and addressing underlying risk factors. Public health also focuses on primary prevention, which is about stopping a problem from occurring in the first place. A lot of things that might be effective in preventing road injuries, especially in the longer term, may have little or nothing to do with traditional approaches to law enforcement.

> Public health people do not just want to know what people do; we want to know about the causes, and even the causes of the causes. This will allow us to develop interventions that make an effective connection.\textsuperscript{14}

\section*{Safe System Approach to Road Safety}

2.16 The \textit{ACT Road Safety Strategy} is guided by the Safe System approach which involves a shared responsibility for road safety. The ACT Government submission to the inquiry explains the Safe System approach as follows:

> The Safe System approach means that efforts must be made to manage the combined effects of the speeds at which we travel, the safety of vehicles we use, and the level of protection provided by our roads—not only to minimise the number of crashes, but to ensure that when crashes do occur, they do not result in death or serious injury.\textsuperscript{15}

2.17 The NRMA-ACT Road Safety Trust submitted their endorsement for the Safe System approach to road safety:

\textsuperscript{12} Living Streets Canberra, \textit{Submission No. 8}, p. 3.
\textsuperscript{13} Ms Margo Saunders, \textit{Transcript of Evidence}, 5 March 2014, p. 151.
\textsuperscript{14} Ms Margo Saunders, \textit{Transcript of Evidence}, 5 March 2014, p. 151.
\textsuperscript{15} ACT Government, \textit{Submission No. 13}, p. 3.
The Safe System approach to road safety adopted in Australia and internationally identifies, as its component elements, safer roads and roadsides, safer speeds, safer vehicles, and safer road users and behaviours. The Safe System approach takes a holistic view of the road transport system and the interactions of its various elements. It aspires to create a road transport system in which human mistakes do not result in death or serious injury. It is important when looking at vulnerable road users, as with any road safety issue, to consider measures under all these elements to improve road safety.\(^\text{16}\)

2.18 The Amy Gillett Foundation included the following description of the Safe System approach in their submission:

The principles of the Safe system approach underpin road safety in Australia, including the current ACT Road Safety Strategy and Action Plans. The principles of safe people and safe behaviours, safe speeds, safe roads and roadsides and safe vehicles are the accepted best practice for understanding and responding to road safety issues nationally.\(^\text{17}\)

2.19 The World Health Organization describes the Safe System approach as follows:

The Safe System approach addresses risk factors and interventions related to road users, vehicles and the road environment in an integrated manner, allowing for more effective prevention measures. This approach has been shown to be appropriate and effective in several settings around the world, in some cases facilitating road safety gains where further progress had proved to be a challenge.\(^\text{18}\)

**RISK MANAGEMENT**

2.20 Mr Nicholas Clarke, Chief Executive Officer, Australasian New Car Assessment Program (ANCAP) encouraged the Committee to consider risk management as the underlying principle for its inquiry:

I do not think the debate should be about driver education, tougher laws and sentences, more penalties and all the rest of it. It should be about risk, and reducing risk to save lives. That is something that is often overlooked in these sorts of debates. At a committee like this, what we want is big picture stuff. I do not think we need to be focusing on the minutiae of what is happening out there on the roads. It is the big picture design; it is the big picture policies.\(^\text{19}\)

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\(^\text{16}\) NRMA-ACT Road Safety Trust, *Submission No. 4*, p. 4.

\(^\text{17}\) Amy Gillett Foundation, *Submission No. 42*, p. 9.


\(^\text{19}\) Mr Nicholas Clarke, *Transcript of Evidence*, 4 March 2014, p. 124.
2.21 In this context, Mr Clarke went on to say:

Every single person on the road today, be they a motorist, a truck driver, a pedestrian, a cyclist or whatever, at some point is a bad driver. We are all bad drivers... If we can accept that these events are going to occur, it becomes easier to understand the policy directions you should take. It is about infrastructure, which is costly. It is about cars, which is less costly. It is about education and a whole lot of other things. Each of them comes at a cost; we need to understand the risk and then develop the policy within those cost constraints, mitigating the risk as far as we can.\(^\text{20}\)

2.22 When discussing risk management with the Committee, Mr Clarke also referred to the Safe System approach to road safety and noted that ‘it is a whole program and we need to deal with the whole program from a policy context to look right across the spectrum’. Mr Clarke also went on to say:

What falls out, though, from time to time is that one stream of that program might rise in order of priority. I think that is where we are at today with vehicles. I do not think we should be spending so much time on roads today because we are not building the roads for the cars of tomorrow. We are just building the same roads and painting the same paint and all the rest of it. The cars of tomorrow will read the roads and maybe we do not need the significant infrastructure and the significant cost that we have got today.\(^\text{21}\)

2.23 On the matter of managing risks, the Committee also heard evidence from the Australasian College of Road Safety (ACT Chapter) who observed that there are a number of risks associated with road safety and it is important to implement a range of policy responses to mitigate the risks. Not only is it important for individuals to take responsibility for their own behaviour (such as ensuring they are visible when using the road) it is also important that road systems are designed to minimise risk as well as providing a range of infrastructure to provide a safe environment. As part of this discussion, Mr McIntosh, President, made the following observation:

From this perspective, trying to look at how the whole system works is a clear role for government as the owner of that infrastructure, and then getting other people to use it as a free good. They also have a responsibility, the companies who use the road and the people themselves. You have to get a new thinking going in the whole process. It is not just about blaming the vulnerable road user or blaming the non-vulnerable user. It is about all of us thinking about the total system, understanding the risks and doing what we can to mitigate those risks—either being more visible or putting in place the right infrastructure so that people understand. I am trying to think of the phrase. If

\(^{20}\) Mr Nicholas Clarke, Transcript of Evidence, 4 March 2014, p. 125.
\(^{21}\) Mr Nicholas Clarke, Transcript of Evidence, 4 March 2014, p. 132.
people can understand what they see, they will react accordingly. Most people can jaywalk. Most people can run across the road. Most bicyclists can cut across the road. Car drivers can do U-turns. People get away with it, and so they build up a confidence level which is perhaps misplaced. But if you show them that they cannot cross the road because there is a white road barrier or they cannot cross here or they cannot do a U-turn there, then you reduce the risk; you make the environment safer. 22

COMMITTEE COMMENTS

2.24 The Committee endorses the Safe System approach to road safety and notes that the principles underpinning the Safe System approach provide a framework for the holistic consideration of road safety. Road safety is influenced by a range of factors and it is important that policy responses take into account the range of relevant issues.

2.25 The Committee notes the underlying principle of risk management raised during the inquiry. Consideration of road safety in this way encourages the investigation of a range of strategies to improve road safety as well as reducing the emphasis of any one single contributing factor to the issues facing vulnerable road users.

2.26 The Committee also notes Mr Clarke’s advice on looking at the road safety system holistically and not spending large amounts on road infrastructure in the context that new vehicle technology will soon be standard in new cars which will incorporate collision avoidance, pedestrian collision technology and driver-less cars.

22 Mr Lauchlan McIntosh, Transcript of Evidence, 12 February 2014, p. 89.
3 WHO ARE VULNERABLE ROAD USERS?

3.1 ‘Vulnerable road users’ is a term used in a large number of road safety publications and was referred to in a number of submissions and in evidence presented to the inquiry. The following section explores some of the definitions and issues about vulnerability that were presented to the Committee.

3.2 The Australasian College of Road Safety (ACT Chapter) submitted that ‘the definition of vulnerable road users can vary depending on the context of the consideration of the subject’. In this context, the ACT Chapter suggested that the following groups should be considered as part of the inquiry: cyclists, motorcyclists and scooter operators, pedestrians, older road users and children as vehicle passengers.23

3.3 Living Streets Canberra identified vulnerable road users as ‘people who travel on foot, by motorised or non-motorised bicycle, wheelchair or tricycle, by motorcycle, in baby carriages, and in trailers attached to bicycles’.24

3.4 In a similar way, Mr Ian McMahon submitted that ‘the most vulnerable road users in the ACT are pedestrians, especially the young, the aged and those with a range of disabilities. Pedestrians are the most neglected group of road users in Canberra, a city based around the car and, increasingly, cyclists’.25

3.5 The ACT Government submission observed that:

...in road safety terms, the definition of a vulnerable road user includes a bicyclist, motorcyclist or pedestrian. These road users are “vulnerable” in their interactions with other motor vehicles as they do not benefit from the level of crash protection which is provided by other vehicles. Some vulnerable road users, such as children and people with a disability may have difficulty problem solving around roads and other areas of the road environment such as driveways.26

3.6 Similarly, the Cycling Promotion Fund submitted that vulnerable road users are those road users not protected by the solid steel encasement of a motor vehicle; they are pedestrians and walkers, motorcycle and bicycle riders’.27

23 Australasian College of Road Safety (ACT Chapter), Submission No. 2, pp. 3-4.
24 Living Streets Canberra, Submission No. 8, p. 1.
25 Mr Ian McMahon, Submission No. 48, p. 1.
27 Cycling Promotion Fund, Submission No. 44, p. 4.
3.7 Taking a different approach, Pedal Power ACT notes that cycling is an inherently safe activity, but that ‘once people ride bicycles among a mix of other road users, they do face risks that can result in serious and, albeit rarely, fatal injuries’.  

3.8 In a submission, Ms Margo Saunders encouraged broad discussion of vulnerable road users, noting that ‘vulnerable’ does not only relate to how individuals and groups use the road (pedestrians, cyclists), but also relates to ‘population groups in terms of their road-related behaviour and in relation to their likelihood of experiencing transport-related injury’.

3.9 Similarly, the Amy Gillett Foundation submitted that vulnerability should be viewed in a broad context, encompassing the ‘concept of safety and the perception of vulnerability in consideration of interventions that will reduce, not only the traditional quantitative measures of road dangers – deaths and injuries – but also the vulnerabilities to aggression, close calls or mindless discourtesy’.

3.10 Associate Professor Paul Tranter submitted that vulnerable road users are primarily ‘those not travelling in cars or large motorised vehicles’, including pedestrians, cyclists and groups using wheelchairs, scooters and skateboards. He suggested that ‘arguably, the most vulnerable are children and the elderly, whose physical limitations place them at more risk than the rest of the population’.

3.11 The Heart Foundation (ACT Division) draws on a definition from the Dutch Institute for Road Safety Research which states that ‘pedestrians and cyclists are referred to as vulnerable road users because of their unprotected state. More specifically, they refer to aspects of task capacity e.g. inexperience of children and a declining task capability (physical vulnerability) of the elderly’.

3.12 The National Road Safety Strategy 2011-2020 provides statistics for vulnerable road users groups in the following categories:

- Pedestrians;
- Motorcyclists;
- Bicyclists;
- young drivers (17-25 years);
- older people (65+ years);

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28 Pedal Power ACT, Submission No. 14, p. 5.
29 Ms Margo Saunders, Submission No. 18, p. 1.
30 Amy Gillett Foundation, Submission No. 42, p. 8.
31 Associate Professor Paul Tranter, Submission No. 25, p. 1.
32 Heart Foundation (ACT Division), Submission No. 39, p. 2.
Children (0-4 years);
Indigenous people; and
Unlicensed motorists.

3.13 The Committee notes that the Road Transport Legislation Amendment Bill 2014, introduced into the Legislative Assembly on 15 May 2014 and passed on 3 June 2014, includes the following definition of a vulnerable road user:

vulnerable road user means a road user other than the driver of, or passenger in, an enclosed motor vehicle.

Examples—vulnerable road users
1 pedestrians
2 cyclists
3 motorcyclists
4 riders of animals
5 users of motorised scooters
6 users of segways.33

3.14 The Explanatory Statement provides additional information as follows:

The aggravating factor of driving in a way that put at risk the safety of a vulnerable road user reflects the increased risk posed by dangerous driving behaviours to vulnerable road users. These road users (such as pedestrians, cyclists, riders of animals and motorcyclists) are particularly “vulnerable” in their interactions with other motor vehicles as they do not benefit from the level of crash protection which is provided by other vehicles. This vulnerability increases the likelihood that furious, reckless or dangerous driving will have catastrophic consequences.34

COMMITTEE COMMENTS

3.15 The Committee notes the range of views presented about what constitutes a vulnerable road user and the issues that may be faced by vulnerable road users. The Committee also notes that vulnerability may refer either to: (a) the mode of transport being used by the road user and the reduced protection when compared to a motor vehicle, (b) the activity being undertaken or (c) characteristics of the road user such as age or gender.

3.16 Throughout the inquiry, the Committee received evidence on a range of issues relating to vulnerability which will be explored further throughout this report.

33 Road Transport Legislation Amendment Bill 2014, p. 9.
4 **SNAPSHOT OF THE ACT**

4.1 This section provides some background information related to the inquiry in the following areas:

- Injury and fatality data—providing statistics about vulnerable road user deaths and injuries in the ACT; and
- Transport issues—discusses ACT transport policy in the context of vulnerable road users.

### INJURY AND FATALITY DATA

4.2 The ACT Government submission noted that there are approximately 1.3 million deaths and up to 50 million injuries each year on the world’s roads. Of these deaths, half are vulnerable road users, including 270,000 pedestrians or approximately 22% of all road traffic fatalities annually.

4.3 The Government submission provided the following statistical overview:

   In the ACT, the five yearly average for the number of road fatalities, to the end of 2012 was 13, with approximately 700 injuries per year. In terms of the proportion of ACT road fatalities that involved vulnerable road users, ACT road crash information produced by the Territory and Municipal Services Directorate shows that 29 of the 63 fatalities (46%) which occurred in the five year period 2008 to 2012 were vulnerable road users—cyclists, pedestrians and motorcyclists. During that same period 2,195 of 6,864 (32%) fatalities recorded nationally were vulnerable road users.  

4.4 Further to this, the Government submitted:

   Due to the relatively small number of road deaths recorded in the ACT each year, the percentage of ACT fatalities involving vulnerable road users can vary substantially from year to year. For example, the five year percentage of total fatalities involving vulnerable road users increased from 38% in 2011 to 46% in 2012. A more reliable indicator of road safety performance is the rate of deaths per 100,000 population.

4.5 The following graph was provided in the submission:

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4.6 Table 1 provides details about the number of ACT deaths between 2003-2012 across all categories of road users.

<table>
<thead>
<tr>
<th>Year</th>
<th>Pedestrians</th>
<th>Motorcyclists</th>
<th>Pedal Cyclists</th>
<th>Passengers</th>
<th>Drivers</th>
<th>All road users</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>4</td>
<td>4</td>
<td>11</td>
</tr>
<tr>
<td>2004</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>2005</td>
<td>5</td>
<td>8</td>
<td>1</td>
<td>4</td>
<td>8</td>
<td>26</td>
</tr>
<tr>
<td>2006</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>6</td>
<td>13</td>
</tr>
<tr>
<td>2007</td>
<td>1</td>
<td>3</td>
<td>0</td>
<td>2</td>
<td>8</td>
<td>14</td>
</tr>
<tr>
<td>2008</td>
<td>3</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>3</td>
<td>14</td>
</tr>
<tr>
<td>2009</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>4</td>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>2010</td>
<td>0</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>10</td>
<td>19</td>
</tr>
<tr>
<td>2011</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>2012</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>12</td>
</tr>
<tr>
<td>TOTAL</td>
<td>21</td>
<td>34</td>
<td>5</td>
<td>22</td>
<td>54</td>
<td>136</td>
</tr>
</tbody>
</table>

Source: Bureau of Infrastructure, Transport and Regional Economics, *Road deaths Australia 2012 statistical summary.*
4.7 In their submission, the NRMA-ACT Road Safety Trust provided the following casualty information for pedestrians, motorcyclists and pedal cyclists.  

Table 2: ACT casualty information 2007-2012

<table>
<thead>
<tr>
<th>Year</th>
<th>Type of road user</th>
<th>Admitted to hospital</th>
<th>Received medical treatment</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>Pedestrian</td>
<td>10</td>
<td>21</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>Motorcyclist and pillion</td>
<td>23</td>
<td>48</td>
<td>71</td>
</tr>
<tr>
<td></td>
<td>Pedal cyclist</td>
<td>12</td>
<td>40</td>
<td>52</td>
</tr>
<tr>
<td>2008</td>
<td>Pedestrian</td>
<td>10</td>
<td>30</td>
<td>38</td>
</tr>
<tr>
<td></td>
<td>Motorcyclist and pillion</td>
<td>23</td>
<td>53</td>
<td>76</td>
</tr>
<tr>
<td></td>
<td>Pedal cyclist</td>
<td>12</td>
<td>51</td>
<td>63</td>
</tr>
<tr>
<td>2009</td>
<td>Pedestrian</td>
<td>10</td>
<td>13</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>Motorcyclist and pillion</td>
<td>23</td>
<td>70</td>
<td>105</td>
</tr>
<tr>
<td></td>
<td>Pedal cyclist</td>
<td>12</td>
<td>42</td>
<td>60</td>
</tr>
<tr>
<td>2010</td>
<td>Pedestrian</td>
<td>10</td>
<td>32</td>
<td>43</td>
</tr>
<tr>
<td></td>
<td>Motorcyclist and pillion</td>
<td>23</td>
<td>77</td>
<td>109</td>
</tr>
<tr>
<td></td>
<td>Pedal cyclist</td>
<td>12</td>
<td>62</td>
<td>73</td>
</tr>
<tr>
<td>2011</td>
<td>Pedestrian</td>
<td>10</td>
<td>23</td>
<td>39</td>
</tr>
<tr>
<td></td>
<td>Motorcyclist and pillion</td>
<td>23</td>
<td>58</td>
<td>104</td>
</tr>
<tr>
<td></td>
<td>Pedal cyclist</td>
<td>12</td>
<td>72</td>
<td>91</td>
</tr>
<tr>
<td>2012</td>
<td>Pedestrian</td>
<td>10</td>
<td>23</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td>Motorcyclist and pillion</td>
<td>23</td>
<td>73</td>
<td>121</td>
</tr>
<tr>
<td></td>
<td>Pedal cyclist</td>
<td>12</td>
<td>83</td>
<td>109</td>
</tr>
</tbody>
</table>

**Pedestrian Casualties**

4.8 Table 3 provides details about pedestrian casualties by casualty class, gender and age for the period 2007-2012. Between 2007-2012 there were 10 pedestrians killed in the ACT. There was variation across the period, with no pedestrians killed in 2010 and 2011 and four pedestrians killed in 2012 (the highest number across the period).

4.9 The most highly represented age group for pedestrian casualties between 2007-2012 was people younger than 24 years of age. The most highly represented age group for pedestrian fatalities during the same period was people over the age of 65, accounting for six of the 10 fatalities during the period.

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38 NRMA-ACT Road Safety Trust, Submission No. 4, p. 5 (citing data from the Justice and Community Safety Directorate for the years 2007-2012).
## Table 3: Pedestrian casualties by casualty class, gender and age

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fatal</td>
<td>Female</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Fatal</td>
<td>Male</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Admitted to hospital</td>
<td>Female</td>
<td>2</td>
<td>4</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>6</td>
<td>35</td>
</tr>
<tr>
<td>Admitted to hospital</td>
<td>Male</td>
<td>5</td>
<td>6</td>
<td>5</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>37</td>
</tr>
<tr>
<td>Received medical treatment</td>
<td>Female</td>
<td>19</td>
<td>6</td>
<td>6</td>
<td>5</td>
<td>3</td>
<td>5</td>
<td>0</td>
<td>1</td>
<td>5</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>64</td>
</tr>
<tr>
<td>Received medical treatment</td>
<td>Male</td>
<td>15</td>
<td>10</td>
<td>10</td>
<td>8</td>
<td>3</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>5</td>
<td>78</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>41</td>
<td>26</td>
<td>24</td>
<td>22</td>
<td>9</td>
<td>12</td>
<td>8</td>
<td>6</td>
<td>10</td>
<td>4</td>
<td>7</td>
<td>9</td>
<td>18</td>
<td>13</td>
</tr>
</tbody>
</table>

Source: Statistics collated from annual *Road Traffic Crashes in the ACT* reports—2007-2012[^39]

### Motorcycle Crashes

4.10 The ACT Government submitted that motorcyclists face a fatal crash risk about 30 times higher than other road users. In 2012, three motorcyclists were killed and 121 were reported injured on ACT roads. This represents 13% of all reported casualties, despite motorcycles being just 4% of the total ACT vehicle fleet.\(^{40}\)

4.11 A research study undertaken by Transport and Road Safety Research, University of New South Wales includes analysis of motorcycle crashes from hospital records in the ACT between 2001-2010. A total of 1,199 separations\(^ {41}\) were recorded at Canberra Hospital for ACT residents who received injury resulting from a motorcycle crash during the period 2001-2010. Of these 1,199 individuals, 92% were male.\(^ {42}\)

4.12 The study also identified separations by age group as outlined in the graph below. The age group of 16 to 25 years had the greatest number of separations, and as the age increased the frequency of separations decreased.

**Figure 2: Separation by age group**

![Separation by age group](image)

Source: Transport and Road Safety Research, UNSW, *Reducing Motorcycle Trauma in the ACT*, p. 22.

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\(^{40}\) ACT Government, *Submission No. 13*, p. 5.

\(^{41}\) Separation is the administrative process by which an episode of care for an admitted hospital patient ceases.

\(^{42}\) Transport and Road Safety Research, UNSW, *Reducing Motorcycle Trauma in the ACT (Exhibit No. 6)*, p. 21.
4.13 The research also found that the number of injured motorcyclists per year has increased around two times in the study period of 2001-2010, roughly in-line with the increase in motorcycle registrations. However this increase is nearly six times for motorcyclists aged 46 years and over.\textsuperscript{43}

**Transport Issues**

4.14 According to the *Road Safety Action Plan 2011-13*:

There is a need to strengthen synergies between agencies responsible for road safety and sustainable and active transport policy and planning. There is scope to reduce road trauma by a switch to less dangerous forms of transport, such as public transport. Reducing travel speeds provides benefits in relation to emissions, noise and amenity and fuel consumption, as well as safety for vulnerable road users such as pedestrians and bicyclists.\textsuperscript{44}

4.15 *Transport for Canberra 2012-2031* is the ACT Government policy document which sets the foundation for transport planning until 2031.

4.16 The *Transport for Canberra* policy document notes that:

Transport planning is linked to health and active travel, wellbeing and social inclusion. These links are highlighted in the strategies on public transport, active travel, roads, parking, fleet and freight, and transport infrastructure.\textsuperscript{45}

4.17 *Transport for Canberra* seeks to establish a framework ‘to change the way we travel in Canberra’. In order to reduce the community’s reliance on driving and ‘with over 277,000 jobs expected in 2026, nearly 80,000 people will need to walk, cycle or take public transport to meet this goal. Figure 3 provides the level of increases that are required to achieve the target of 80,000 Canberrans walking, cycling or taking public transport.\textsuperscript{46}

4.18 If this goal is to be reached, it suggests that there may be a significant increase in the number of vulnerable road users in the next 10-15 years. With this in mind, it is important that there are initiatives in place to ensure a safe environment for all road users and in particular, vulnerable road user groups.

\textsuperscript{43} Transport and Road Safety Research, UNSW, *Reducing Motorcycle Trauma in the ACT*, Exhibit No. 6, p. 5.
Figure 3: By 2026, nearly 80,000 Canberrans will catch public transport, walk or cycle to work


**ACTIVE TRANSPORT**

4.19 Active transport includes non-motorised forms of transport involving physical activity, such as walking and cycling. It also includes public transport for longer distance trips, as public transport trips generally include walking or cycling components as part of the whole journey.47

4.20 The ACT Government submission discussed active transport as follows:

Walking and cycling reduces the risk of heart disease, stroke, diabetes, cancer, dementia, depression and obesity. As travel by motor vehicles is reduced, there are also reductions in carbon emissions and traffic congestion. This can only lead to a more sustainable future for all Canberrans.48

4.21 Evidence provided to the inquiry indicated that a barrier to individuals participating in active transport is that they feel unsafe to do so. The Committee heard that it is important for a safe environment to be provided in order to encourage a high level of active transport.

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4.22 The Heart Foundation (ACT) submitted:

Canberra has for many years been planned around the car – which is a key contributor to high rates of physical inactivity and in turn high rates of obesity and chronic disease. The government admits that Canberra has an established and well-designed road system and despite of the lowest number of road fatalities for 50 years, we are now facing an unprecedented overweight and obesity epidemic as well as high levels of social isolation in the Territory.

We have literally engineered physical activity out of most people’s daily routines and through smart actions in the space of active travel we may be able to reverse this issue.49

4.23 The Cycling Promotion Fund submitted that increasing the number of people walking and cycling has a number of benefits, in particular to reduce the risks associated with lack of physical activity. Further to this, it was noted that increasing the number of individuals engaging in cycling and walking will assist reduce road congestion.50

SAFETY IN NUMBERS EFFECT

4.24 The Committee heard evidence suggesting that an increase in the number of people using a particular form of transport, such as cycling or motorcycling, results in that activity, which may have traditionally placed the road user in a vulnerable position, becoming much safer. One of the proposed reasons for this ‘safety in numbers effect’ is that other road users become much more aware of other forms of transport as they are exposed to them on a much more regular basis.

4.25 Pedal Power ACT submitted that ‘research suggests that a doubling of cycling would lead to a reduction in the risks of cycling by around a third, i.e. the increase in cycle use is far higher than the increase in cyclists’. A number of examples were provided in the submission as follows:

- London has seen a 91% increase in cycling since 2000 and a 33% fall in cycle casualties since 1994-98. This means that cycling in the city is 2.9 times safer than it was previously;
- York, comparing 1991-93 and 1996-98: mode share for cycling rose from 15% to 18%, serious cycling casualties fell 59% (from 38 to 15);
- The Netherlands has witnessed a 45% increase in cycling from 1980-2005 and a 58% decrease in cycle fatalities; and
- Copenhagen, 1995-2006: 44% increase in cycling, 60% decrease in serious casualties.51
4.26 Similarly, the Cycling Promotion Fund submitted:

Given current concerns around road safety, especially for the young, it is worth noting that countries with the highest rates of cycling also have some of the lowest rates of road trauma. Cycling is not inherently a dangerous activity given the right conditions. This is commonly referred to as the safety in numbers effect although the exact cause is unclear with so many factors playing a part.

Overall, the percentage share of walking and cycling trips seems to be inversely correlated with total road traffic fatalities. That is, if we can create better conditions for vulnerable road users, their rates of trauma and death are likely to improve.\(^5\)

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\(^5\) Cycling Promotion Fund, *Submission No. 44*, p. 5.
5  NATIONAL AND INTERNATIONAL BEST PRACTICE APPROACHES

5.1 In response to Term of Reference (a), the Committee received evidence about a range of national and international best practice approaches to protecting and encouraging vulnerable road users in the following areas:

- regulation;
- infrastructure and design;
- education; and
- funding arrangements.

5.2 This section of the report presents the evidence received on these matters, starting with a review of the evidence received about international approaches and concluding with national approaches.

5.3 Submissions drew the Committee’s attention to a range of best practice documents including:

- World Health Organization Pedestrian Safety manual;
- Global Plan for the Decade of Action for Road Safety 2011-2020;
- World Report on Road Traffic Injury Prevention; and
- Decade of Action for Road Safety 2011-2020, launched by the World Health Organization in 2011 to draw attention to the needs of pedestrians.

INTERNATIONAL BEST PRACTICE APPROACHES

5.4 The Committee heard that the Netherlands and Denmark ‘are the best and safest countries to cycle in’. Mr Martin Miller submitted that in each of these jurisdictions, there have been a number of positive developments with respect to designing cycling infrastructure, greater separation of cyclists on high speed and high volume roads and an increased awareness of vulnerable road users.

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53 NRMA Insurance, Submission No. 7, p. 6.
54 Living Streets Canberra, Submission No. 8, p. 2.
55 Mr Martin Miller, Submission No. 45, p. 7.
REGULATION

MINIMUM PASSING DISTANCE

5.5 Living Streets Canberra identified regulations in Austin, USA whereby a Vulnerable Road Users Ordinance requires motor vehicles to allow three feet of space when passing a bicyclist and other vulnerable road users. The minimum passing distance is extended to six feet for trucks and buses. There are guidelines in place to protect motorists from being issued with infringement notices if a motorist crosses over double lines when passing in accordance with the minimum passing distance. 56

WEARING HELMETS WHEN CYCLING

5.6 The Centre for Accident Research & Road Safety – Queensland (CARRS—Q) submitted that ‘the requirement for cyclists to wear helmets when riding both on- and off-road is an important safety measure that is international best practice in reducing head injuries among cyclists’. 57

5.7 A 2011 CARRS-Q report that examined many of the issues surrounding helmet legislation, ‘concluded that current bicycle helmet wearing rates are halving the number of head injuries experienced by Queensland cyclists’. 58

5.8 The submission also noted:

It is reasonably clear that [the requirement] discouraged people from cycling twenty years ago when it was first introduced. Having been in place for that length of time in Queensland and throughout most of Australia, there is little evidence that it continues to discourage cycling. There is little evidence that there is a large body of people who would take up cycling if the legislation was changed.

SPEED

5.9 The Committee received evidence that in Portland, Oregon the speed limits on neighbourhood greenways were lowered from 25 to 20 miles per hour [40 to 32 km/h] on 10 August 2012. Neighbourhood greenways are residential streets that prioritise walking, cycling and families. 59

5.10 Pedal Power ACT submitted that in Stockholm, a 30km/h speed limit on all residential streets in the city area was introduced in early 2007. Further to this, it was reported that ‘initial

56 Living Streets Canberra, Submission No. 8, p. 2.
57 Centre for Accident Research & Road Safety – Queensland, Submission No. 5, p. 7.
58 Centre for Accident Research & Road Safety – Queensland, Submission No. 5, p. 7.
59 Pedal Power ACT, Submission No. 14, p. 9.
indications...suggest that average speeds and traffic flow remain relatively unaffected while
the maximum speed has decreased notably’.60

5.11 Associate Professor Paul Tranter submitted that ‘throughout Europe speed limits of 30 km/h,
or lower, in large areas of cities have been introduced in increasing numbers of cities, starting
in Graz, Austria in 1992’. The lower speed limits were introduced in Graz despite the fact that
the majority of residents were not in favour of the proposal. The Committee was advised that
‘by 1994, the lower speed limits were seen as a positive change, and more than 80 per cent of
the population supported them, seeing benefits in noise pollution, safety, and livability’.61

5.12 Further to this, Associate Professor Tranter provided details about the 20’s Plenty Where
People Live movement which has successfully established 20 miles per hour zones in Britain.
More than 12 million people in the UK now live in cities where 20 miles per hour limits cover
the majority of roads.62

5.13 The Heart Foundation (ACT Division) also provided evidence that most of the European models
have 30 km/h restrictions in school areas and residential areas. Cities in all of the countries ‘are
increasingly adopting and implementing “home zones”, which are residential streets with a
speed limit of 7km/h. All motorists share the full width of the road with pedestrians, bicyclists
and playing children’.63

Road Rules

5.14 The Committee heard evidence that ‘advance stop lines are now widely used in European
cities to allow bicycles to ride off before cars when traffic signals turn to green’.64

Infrastructure and Design

5.15 Pedal Power ACT submitted that Amsterdam defended the title as the world’s most bicycle-
friendly in the 2013 ‘Copenhagenize Index’.65 The Copenhagenize Index gives cities marks for
their efforts towards re-establishing the bicycle as a feasible, accepted and practical form of
transport. Cities are assessed against their performance in 13 categories: advocacy, bicycle
culture, bicycle facilities, bicycle infrastructure, bike share programs, gender split, modal share
for bicycles, modal share increase since 2006, perception of safety, politics, social acceptance,
urban planning and, traffic calming.66

60 Pedal Power ACT, Submission No. 14, p. 9.
61 Associate Professor Paul Tranter, Submission No. 25, p. 3.
62 Associate Professor Paul Tranter, Submission No. 25, p. 4.
63 Heart Foundation (ACT Division), Submission No. 39, p. 7.
64 Associate Professor Paul Tranter, Submission No. 25, p. 3.
65 Pedal Power ACT, Submission No. 14, p. 6.
5.16 Mr Martin Miller provided a number of international examples of cycling infrastructure:

- Share space/Home Zone—road shared between all road users. For example, this could be a pedestrian priority street and is a low speed environment with maximum speeds of between 5-20km/h;

- Mixed traffic street—road shared between motor vehicles and bicycles (pedestrians will be separated). Speed limits range from 30-40 km/h;

- Bicycle priority street—road where bicycles have priority over motor vehicles and pedestrians are separated. Speed limits range from 30-40 km/h;

- Bike boulevards, cycle streets—usually a residential street with advisory bicycle symbols or a broken cycle lane. Bicycles either share the road space or use the cycle lane. Speed limits are generally low. ⁶⁷

5.17 Associate Professor Paul Tranter submitted that ‘many cities, particularly in western Europe, have developed carefully separated facilities for cyclists, as well as land use and transport policies that are generally supportive of cycling and discouraging for driving, with restrictions and financial disincentives’. ⁶⁸

5.18 The Committee heard evidence from Pedal Power ACT about the design of cycle and pedestrian paths in the Netherlands:

The Dutch standards are not extravagant — they are what has been found to work safely and effectively in everyday use by all ages and all kinds of users, and have been rolled out all over the Netherlands. This has greatly increased the number of people choosing to ride bikes, instead of driving, by making it safe and effective to use cycle paths. By segregating bicycles from both motorised and walking traffic and building to high quality engineering standards, they have eliminated most of the causes of accidents and conflict between different kinds of users. If the ACT is serious about improving road safety for all users, including on the shared path network, it needs to adopt world best practice design standards. Our design standards for roads are always kept right up to date with world’s best practice, so why not those for shared paths? ⁶⁹

5.19 The WHO Pedestrian manual outlines ‘pedestrianization’ which ‘is the process of removing vehicular traffic from city streets or restricting vehicular access for use by pedestrians’. There are four main pedestrianization schemes:

- full-time pedestrian streets in which vehicular traffic is excluded or prohibited except for emergency vehicles;

₆⁷ Mr Martin Miller, Submission No. 45, pp. 9-10.
₆⁸ Associate Professor Paul Tranter, Submission No. 25, p. 2.
₆⁹ Pedal Power ACT, Submission No. 14, p. 24.i9
part-time pedestrian streets in which vehicular traffic is eliminated for certain hours of the
day or certain days of the week;
partial pedestrian streets that restrict vehicle access to slow public transport vehicles only;
and
partial pedestrian streets or traffic-calming measures that allow a mix of pedestrians and
motor vehicles moving at a low speed.\textsuperscript{70}

\textbf{EDUCATION}

5.20 Pedal Power ACT submitted that ‘a successful bicycle safety campaign delivers an easy to
understand message to a wide range and large number of people’. The submission referenced
two international examples:
\begin{itemize}
\item a campaign by Washington County Bicycle Transport Coalition set up life-sized cut-outs of
people with their bikes to remind people driving that riders are their relatives, friends,
work colleagues and neighbours; and
\item the UK Automobile Association and British School of Motoring are providing a cycle
awareness module to their driving instructors. This module proposes to teach driving
instructors about cyclists’ needs and rights to use the roads.\textsuperscript{71}
\end{itemize}

5.21 The Motorcycle Riders Association of the ACT provided evidence about a UK education
program called \textit{Think Bike, Think Biker} that endeavours to promote motorcyclists as ‘normal’
people.\textsuperscript{72} The program, which is part of a broader \textit{THINK! motorcycling campaign}, aims to
educate drivers by exploring the notion that awareness of motorcyclists can be increased by
making drivers think more about the person riding the motorcycle and giving clear actionable
advice on how to avoid accidents. Other initiatives developed by the \textit{THINK! motorcycling
campaign} include encouraging motorcyclists to take steps to manage and reduce their own
personal risk through wearing appropriate safety gear and participating in further training.\textsuperscript{73}

5.22 Drawing on her personal experience from riding in the Netherlands, Ms Deciana Speckmann
submitted that Dutch drivers are taught to watch out for cyclists when they learn to drive. As
part of the learning experience, it becomes second nature to check all mirrors and blind spots
multiple times before changing lanes or making a turn as failing to do so just once in a Dutch
driving test results in an automatic fail.\textsuperscript{74}

\begin{footnotesize}
\begin{itemize}
\item[\textsuperscript{70}] World Health Organization, \textit{Pedestrian Safety, A Road Safety Manual for Decision-Makers and Practitioners}, p. 36.
\item[\textsuperscript{71}] Pedal Power ACT, Submission No. 14, p. 12.
\item[\textsuperscript{72}] Motorcycle Riders Association of the ACT, Submission No. 15, p. 13.
\item[\textsuperscript{73}] Think! Website: \url{http://think.direct.gov.uk/index.html}
\item[\textsuperscript{74}] Ms Deciana Speckmann, Submission No. 32, p. 1.
\end{itemize}
\end{footnotesize}
SCHOOL CYCLING EDUCATION PROGRAMS

5.23 In their submission, the AGF referred to a European study tour undertaken in 2012 to assess best practice models of in-school cycling education. This project aimed to ‘observe and participate in activities that develop a child’s capacity for independent responsible and safe behaviour when cycling on roads, cycle ways and multi user paths’. The tour was taken in Denmark, the Netherlands and the United Kingdom. One of the findings from this study tour was that:

Emerging best practice in Denmark and the Netherlands is to embed cycling and road safety education into regular school activities. Regular reinforcement of road safety education improves retention of learning and adoption of safer road use behaviour.

FUNDING ARRANGEMENTS

5.24 The Committee heard evidence that in August 2013, the UK Prime Minister announced the allocation of funding to eight urban areas outside London which aims to make cycling easier and safer for people. This funding means that investment in cycling in the eight cities is now in excess of £10 per head per year, as recommended by the All Party Parliamentary Cycling Group’s recent report.

5.25 The AGF also referred to funding allocations in the United Kingdom, in particular the funding levels for bike rider training to the order of 11 million pounds per annum. Furthermore, school bike training programs in Britain are funded at 40 pounds per student participating in the program.

NATIONAL BEST PRACTICE APPROACHES

5.26 The Committee received evidence about practices used in another states and territories in the following areas:

- regulation;
- infrastructure and design; and
- education.

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75 Amy Gillett Foundation, Submission No. 42, p. 85.
77 Pedal Power ACT, Submission No. 14, p. 18.
78 Amy Gillett Foundation, Submission No. 42, pp. 84-85.
PARLIAMENTARY INQUIRIES UNDERTAKEN BY OTHER JURISDICTIONS

5.27 The Committee is aware that a number of other parliamentary inquiries have been undertaken into vulnerable road users and similar matters in recent years. A summary of these inquiries, including recommendations from these inquiries, is provided at Appendix C.

REGULATION

INCREASED POLICE PRESENCE

5.28 The Committee heard evidence about the Victorian Police’s Operation Halo which focuses on offences related to vulnerable road users and aims to raise awareness that road users must look out for others. Operation Halo in 2013 found 30 cyclists and 241 drivers who had disobeyed traffic lights and signs.79

RIDING ON FOOTPATHS

5.29 CARRS-Q submitted that that ACT should continue to allow adults to ride on footpaths because this initiative is recognised as best practice. CARRS-Q observed that:

| The prohibition against cycling on the footpath [in other jurisdictions] appears to be based on concerns about dangers to cyclists associated with motor vehicle crashes at driveways and intersections and cyclists posing a threat to pedestrians on footpaths. Research has identified that older pedestrians are particularly intimidated by the presence of cyclists on footpaths.80 |

5.30 Further to this, CARRS-Q noted that a review of the international evidence related to the safety of footpath cycling has led them to conclude that:

| ...many of the studies reporting concerns for cyclist safety on footpaths were based on low-severity crashes, while there is little evidence that footpath cycling contributes to serious injuries to pedestrians. Indeed, it may provide cyclists with an option to avoid collisions with motor vehicles. The challenge occurs when cyclists are riding on the footpath in the opposite direction to traffic and not be noticed by drivers when the cyclists leave the footpath to cross intersections.81 |

5.31 The CARRS-Q submission also reported the findings from two studies of cyclists in Queensland. One survey of Queensland riders ‘found that a third of respondents reported riding on the

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79 Pedal Power ACT, Submission No. 14, p. 15.
80 Centre for Accident Research & Road Safety – Queensland, Submission No. 5, p. 5.
81 Centre for Accident Research & Road Safety – Queensland, Submission No. 5, p. 5.
footpath, with about two-thirds of them doing so reluctantly’. The survey found that footpath crashes were less likely to require medical treatment than crashes on roadways.

Almost 10% of footpath crashes did involve pedestrians, however, and the survey did not collect information about their injuries. Surprisingly, the percentage of crashes involving pedestrians on bike paths was double that on footpaths, suggesting that shared paths may be a greater challenge for cyclist-pedestrian interactions than footpaths. The reluctance of cyclists to travel on the footpath may provide a clue here. Perhaps cyclists are more careful of pedestrians and travel more slowly on footpaths than on shared paths (as reported by Kiyota et al. 2000).82

5.32 The second survey reported by CARRS-Q on this matter related to an observational study of cycling conducted in the Brisbane CBD in 2010 and repeated in 2012, which examined interactions between cyclists and pedestrians:

Of the 2552 cyclists observed in 2012, 98.4% had no conflict with another road user, 1.1% had a conflict with a pedestrian, and 0.6% had a conflict with a motor vehicle. No collisions between cyclists and pedestrians or cyclists and motor vehicles were observed. When a cyclist was travelling on the footpath, and there was 1 or more pedestrian within 1m of the cyclists (252 observations), only 16 (6.3%) resulted in a conflict. When a cyclist was travelling on the footpath, and there was 1 or more pedestrian 1m-5m from the cyclist (303 observations), only 12 (4%) resulted in a conflict.83

5.33 Furthermore, CARRS-Q observed that ‘from a public health perspective, the opportunity to ride on the footpath may act to encourage cycling (particularly among new cyclists) because it is perceived to be less dangerous than riding on the road’.84

SPEED

5.34 Pedal Power ACT submitted that in South Australia, the speed limit around some schools has been set to 25 km/h in recognition of pedestrian vulnerability. In some suburbs around Melbourne and Sydney, a 40 km/h speed limit has also been applied.85

INFRASTRUCTURE AND DESIGN

5.35 Pedal Power ACT advised the Committee about the April 2013 launch of a Tasmanian Government initiative called Safer Roads: Vulnerable Road User Program which aims to

82 Centre for Accident Research & Road Safety – Queensland, Submission No. 5, p. 6.
83 Centre for Accident Research & Road Safety – Queensland, Submission No. 5, p. 6.
84 Centre for Accident Research & Road Safety – Queensland, Submission No. 5, p. 6.
85 Pedal Power ACT, Submission No. 14, p. 9.
improve the safety of vulnerable road users with a particular focus on ‘implementing infrastructure treatments in areas where there current or potential risk of conflict between vulnerable road users and motor vehicles’.  

**EDUCATION**

**CODE OF CONDUCT**

5.36 The Committee heard evidence from the AGF about a document called *Sharing roads and paths*, a consolidated code of conduct for bicycle riders and interacting with bicycle riders in Victoria. This new code replaced multiple documents produced across Victoria and was the result of a collaboration facilitated by the AGF with key road safety stakeholders.

5.37 The concise three page document covers a range of issues, including the road rules that apply to bicycle riders, drivers and motorbike riders and pedestrians. Strategies are also outlined to encourage each group of road users to (a) be alert, (b) be predictable, (c) be courteous, and (d) be visible.

**Motorcycle Rider Licensing and Training**

5.38 CARRS-Q submitted that they have undertaken several research projects that attempt to identify best practice in motorcycle rider licensing and training:

Many of these reports have identified a need to increase the amount of attention to higher-order skill such as hazard perception and risk management in training and to create a licensing system that encompasses multiple opportunities (or requirements) for training...

In the past, CARRS-Q, in collaboration with industry partners, has developed and trialled an intervention to address attitudinal issues within a motorcycle rider training program. With some positive results in early evaluation of the program, this is seen as a potentially important new countermeasure in the area of rider training and licensing, which has historically focused on developing and testing skills while largely overlooking behavioural issues.

5.39 One of the research projects referred to in the CARRS-Q submission related to the investigation and development of a pre-learner motorcycle licensing package. This research paper referred to best practice approaches to motorcycle training and licensing developed in

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89 Centre for Accident Research & Road Safety – Queensland, *Submission No. 5*, p. 4.
the United State and Australia. It is identified that there are challenges to identify best practice in pre-learner motorcycle programs due to the lack of rigorous evaluations of the extent to which the programs achieve their stated aims. Whilst acknowledging the challenges, conclusions from the research evidence are drawn regarding best practice in training including:

- compulsory training appears to result in greater crash reductions than voluntary training;
- no clear scientific evidence of current programs or components leading to reduction in crash risk;
- an increased emphasis on roadcraft appears to be necessary at both the pre-learner and pre-licence levels;
- longer or more costly compulsory programs might lead to reductions in riding;
- hazard perception training has been successful in car driver training and is likely to have the same result in motorcycling training;
- off-road training is considered necessary at the pre-learner stage to allow basic vehicle control to be acquired under the safest conditions;
- some coverage of attitudinal and motivational issues is also warranted in the pre-learner stage with continued reinforcement of such issues during pre-licence training;
- need for quality assurance either by training organisation or the regulator (or both);
- while there is a potential for any additional licensing requirements to contribute to unlicensed riding, no evidence exists to quantify the extent of this outcome.

**School Cycling Education Programs**

5.40 GTA Consultants submitted that cycling skills training for school students is being offered through local government programs in Brisbane, Ipswich and a series of other Queensland councils.

5.41 The Committee notes that the aim of the Brisbane City Council’s Active School Travel Program...is designed to educate and motivate students, parents and teachers to leave the car at home and actively travel, reducing traffic in and around school areas. Through a combination of school-wide events, community engagement and classroom curriculum resources, students are engaged in topics such as safely crossing the road, as well as safely walking and cycling to school.

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92 GTA Consultants, *Submission No. 30*, p. 3.
6 ISSUES AFFECTING VULNERABLE ROAD USERS AND POTENTIAL IMPROVEMENTS

6.1 In response to Term of Reference (b), the Committee received a large volume of evidence describing a range of issues affecting vulnerable road users and potential improvements.

6.2 This section of the report will outline a number of issues affecting vulnerable road users and discuss strategies to reduce the impact of these issues including:

- increased risk of injury;
- inadequate penalties for injuries sustained by vulnerable road users;
- urban planning and infrastructure design;
- regulation;
- education, awareness and training;
- community perception of vulnerable road users; and
- poor quality data collection.

INCREASED RISK OF INJURY

6.3 Vulnerability to injury is a key factor in defining road users as vulnerable. The Committee received evidence from CARRS-Q about the relationship of vulnerability to injury:

While vulnerability to injury is the defining characteristic of vulnerable road users, it receives relatively little emphasis in countermeasure development. Human biomechanical tolerance to impact is a popular concept in road safety at the moment, but most often it is applied to setting appropriate speed limits in environments where cars can be involved in particular types of crashes (e.g. head-on, side impact). It has been used to assess suitable speed limits for areas where there are large numbers of pedestrians (e.g. Tingvall & Haworth, 1999) but has had little application to pedal cyclist and motorcyclist safety, at least in Australia.94

6.4 Evidence received by the Committee provided information about a range of factors that contribute to an increased risk of injury for vulnerable road users.

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94 Centre for Accident Research & Road Safety – Queensland, Submission No. 5, p. 11.
INTERSECTIONS

6.5 The Committee heard evidence about the increased risk of injury to vulnerable road users around intersections and measures that could be introduced to increase safety at intersections.

6.6 The Committee notes analysis of ACT cycle accidents by the Australasian College of Road Safety which indicates that half of the accidents on roads occur at lights, give-way signs or pedestrian crossings.95

6.7 Ms Margo Saunders submitted that safety at intersections may be enhanced with the installation of countdown walk lights:

   Countdown walk lights provide information to pedestrians either in relation to how many seconds remain for the crossing phase, or how many seconds remain for the ‘wait’ phase before pedestrians can safely cross.96

6.8 The Committee notes additional information by Ms Saunders at a public hearing on 5 March 2014:

   I have some updated information about countdown walk lights since I prepared my submission. In the US, all new traffic control signal installations must be fitted with pedestrian countdown timers if the don’t walk interval is longer than seven seconds. The cost of each unit in the US is just under $US200, and there might be eight separate units at a particular intersection, depending. The feedback from motorists, cyclists and pedestrians is that they all find these lights helpful.97

6.9 Living Streets Canberra identified challenges for pedestrians at intersections with respect to poorly designed traffic lights which require pedestrians to wait until safe crossing is available across the entire intersection.

   The intersection of Hindmarsh Drive and Melrose Drive is a brilliant example of what every intersection in Canberra should look like if it is on divided roads. It separates the two halves of the road so that you can proceed any time that it is safe to cross your half of the road. You get to the middle and then you wait until it is safe to cross the other half. I would love to see all of the big intersections done that way.98

6.10 The submission received from the George Institute for Global Health identified uncontrolled intersections as a risk factor for accidents:

95 Australasian College of Road Safety (ACT Chapter), Submission No. 2, p. 6.
96 Ms Margo Saunders, Submission No. 18, p. 2.
Crashes involving motor vehicles were most likely to occur at uncontrolled intersections. This is consistent with studies from the United States and Europe, in particular those which have identified roundabouts as relatively high-risk intersection configurations for cyclists and pedestrians.99

6.11 The AGF recommended that a trial be conducted to allow cyclists to turn left on a red traffic light if it is safe to do so. In addition, the AGF suggested that this same principle should apply to cyclists entering a T-intersection. The Committee was advised that in Queensland ‘there was a recommendation for a trial for a rolling stop to allow bicycle riders to treat stop signs as give-way signs if it is safe to do so’ 100.

6.12 Pedal Power ACT recognised why the sorts of measures identified by the AGF might be implemented, but does not have an official view of them.101

6.13 The Committee inquired about whether the introduction of measures to allow cyclists to progress through intersections under different rules to motor vehicles would confuse the message that everyone has to obey the road rules.

6.14 The AGF observed the following:

That is a good question. There are instances; indeed the left turn on red is a prime example. At the moment the road rules state that drivers come up, bike riders can filter on the left-hand side of a driver, and we are not recommending that that change in any way. If the driver and the bicycle rider are both attempting to turn left, if, indeed, the bike rider can turn left on red once it is safe to do so, they are actually making way for the driver when the light turns green for them to move off. They have actually moved away from the flow of traffic and they are creating a more efficient road system by moving away, and moving away from a potential cause of conflict. There often is conflict where the drivers are waiting for the bike riders to move away from the intersection. So that is one of the ways which can demonstrate that this can be an enhancement to overall road efficiency.102

6.15 In response to a question about whether these sorts of situations may potentially fuel frustrations between cyclists and motorists, Dr Katz, Amy Gillett Foundation, observed that potentially anything could contribute to the frustration felt between the two groups. Dr Katz went on to explain that:

Potentially anything is, yes. I think that what we have seen in other jurisdictions, in many European jurisdictions, for instance, in the case of one-way streets, there will be

99 The George Institute for Global Health, Submission No. 53, p. 3.
100 Ms Tracey Gaudry, Transcript of Evidence, 2 December 2013, p. 7.
101 Pedal Power ACT, Transcript of Evidence, 3 December 2013, p. 38.
102 Ms Tracey Gaudry, Transcript of Evidence, 2 December 2013, p. 11.
a sign saying, “This one-way street doesn’t apply to cyclists.” They have done that deliberately to allow a network to be created for cycling that is permeable. So, yes, it is a different situation facing the cyclist from that for the motorist, but it does not necessarily create any confusion in that situation or appear to create any sense of injustice or outrage on the part of the motorists. I would hope that we would be culturally mature enough to be able to do the same thing here.103

6.16 The Canberra Vikings Cycling Club endorsed the suggestions to amend road rules to allow cyclists to turn left at red lights and remove the requirements to stop at stop signs. Mr Fisher provided the following rationale:

In the case of cyclists, who have a much wider field of view than motorists—they are not trapped inside a car with limited fields of vision—there is, in my view, a low risk attached to making those changes. You can improve traffic flow. Cyclists are able to see what is around them much more clearly than a motorist can. I would endorse that approach.104

COMMITTEE COMMENTS

6.17 The Committee notes the evidence received about the increased risks posed to vulnerable road users at intersections and the suggested amendments to specific road rules in an attempt to mitigate some of these risks.

Recommendation 1

6.18 The Committee recommends that the ACT Government conduct a review of road rules at intersections and assess changes that could be made to existing road rules that would mitigate risks to vulnerable road users.

DOORING

6.19 The Committee heard evidence about the risk of injury to cyclists as a result of ‘dooring’. Dooring refers to a situation when a vehicle is opened into the path of an approaching cyclist.

6.20 Mr Walter Hawkins from Maurice Blackburn Lawyers provided evidence on this matter at a public hearing on 5 March 2014:

Doorings are always a hazard for cyclists. Certainly, there needs to be a recognition by motor vehicle operators, when they are opening doors, to have a look to see whether

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103 Dr Rod Katz, Transcript of Evidence, 2 December 2013, p. 12.
104 Mr Robert Fisher, Transcript of Evidence, 2 December 2013, p. 21.
or not someone is coming. My understanding is that there is a possibility of affixing small mirrors so that it increases the visibility from one’s rear view mirror, but I think there needs to be a real observing to see what is happening.

In relation to cyclists, when you are travelling up roadways where there is a possibility of doors opening, it is absolutely necessary to be vigilant because if a door is going to be opened and you crash, it is going to hurt.\textsuperscript{105}

6.21 The Committee was interested to hear evidence from Ms Gillian King at a public hearing on 4 March 2014 about the increased risk of dooring that cyclists face when there are cars parked alongside the road. Ms King explained that this risk is compounded in Australia because:

\ldots the way we grow up and learn about getting in and out of cars is that we put our roadside leg out first—open the door and put out our roadside leg. We open it with our roadside hand. In Europe I understand they are taught to open it with their other hand, which automatically makes them at least look a bit. It is not very far—it might only be a metre or two—but that might be the difference between someone hitting them or not.\textsuperscript{106}

\textbf{Provision of Training to Reduce the Risk of Injury}

6.22 Evidence provided to the Committee identified that the provision of additional training for cyclists may reduce their risk of injury.

6.23 NRMA Motoring & Services submitted:

\begin{quote}
NRMA supports the promotion of cycling for commuting and leisure, however efforts to promote cycling must be supported by campaigns to educate cyclists on the risks to themselves and other road users, including pedestrians...

The ACT Government should consider providing optional all-ages safe cycling courses to highlight the vulnerability of cyclists on ACT roads and promote safe practices, similar to those offered by the City of Sydney.\textsuperscript{107}
\end{quote}

6.24 GTA Consultants recommended that workplaces should provide subsidised cycling training for employees who ride to and from work or who are required to ride for their job.\textsuperscript{108}

\begin{flushright}
\textsuperscript{105} Mr Walter Hawkins, \textit{Transcript of Evidence}, 5 March 2014, p. 168.
\textsuperscript{106} Ms Gillian King, \textit{Transcript of Evidence}, 4 March 2014, p. 119.
\textsuperscript{107} NRMA Motoring & Services, \textit{Submission No. 17}, p. 4.
\textsuperscript{108} GTA Consultants, \textit{Submission No. 30}, p. 3.
\end{flushright}
6.25 The AGF submitted that bike skills training is an important component of safe cycling:

Bike skills training can increase the confidence of new and returning riders and increase the skills for existing bike riders. Training can assist bicycle riders to select appropriate routes and provide skills for dealing with safety issues on particular types of routes.\textsuperscript{109}

6.26 Ms Margo Saunders suggested that consideration be given to cycling education and training for adults:

For example, the City of Tucson and Pima County in Arizona provide training by certified instructors for adults, children, women and others interested in starting to ride. Program participants receive a free helmet, lock or lights for their bike.\textsuperscript{110}

6.27 The Committee also heard evidence from Canberra cycling clubs who provide training for cyclists who join their organisations. These training programs aim to provide cyclists with skills training as well as awareness about the road rules.\textsuperscript{111}

6.28 On a related matter, the Committee heard evidence about the increased risk of injury experienced by child cyclists and that this risk may be reduced if children participate in targeted cycling training programs. The Committee was also advised about other benefits that may result from more children cycling, such as increased fitness levels and other benefits from physical activity.

6.29 Living Streets Canberra identified child cyclists as an important group in discussions about vulnerable road users:

One point I forgot is that there is one group that is even less well represented than pedestrians, and that is child cyclists. Children make up more than 40 per cent of Canberra’s cyclists. There is a particular road rule that discriminates against them. I have not looked through all of the submissions for what they say about child cyclists but Pedal Power, from memory, mentions schools once and that is about it. Child cyclists are important, and we should get more children to think that cycling is worth doing. There is about an 85 per cent dropout rate between child cycling and adult cycling. We could easily double the rate of cycling if we gave those children a good experience of cycling when they were young and they would think that is worth continuing with.\textsuperscript{112}

6.30 The Committee discussed the issue of child cyclists with Professor Haworth from CARRS-Q at a public hearing on 12 February 2014. She advised:

\textsuperscript{109} Amy Gillett Foundation, Submission No. 42, p. 84.
\textsuperscript{110} Ms Margo Saunders, Submission No. 18, p. 3.
\textsuperscript{111} Mr Robert Fisher, Transcript of Evidence, 2 December 2013, p. 18, Mr Gary Rolfe, Transcript of Evidence, 3 December 2013, p. 70.
\textsuperscript{112} Mr Leon Arundell, Transcript of Evidence, 12 February 2014, p. 96.
The other thing that comes out of our research is that we have done some analyses looking at who is at fault in bicycle crashes. These are bicycle crashes that involve motor vehicles, which are the ones that arguably we are most interested in because of their severity. We know that for adults more than 50 per cent of the time the car driver is at fault, but we know that for children the pattern is the opposite and that children are more likely to be at fault. We need to be giving children the skills, but we also need to be giving them the supervision and the ability—they and the parents—to choose the best places to ride to actually be able to keep them safe.\textsuperscript{113}

6.31 The Committee inquired about the merit of education programs from child cyclists, such as the Bikeability scheme in the UK. Professor Haworth noted that it was not an area she had directly researched but that she was aware of some positive evaluation of schemes like Bikeability. Professor Haworth went on to explain to the Committee:

They certainly have an important role in encouraging children to ride bicycles and, therefore, increasing their levels of physical activity, combating obesity and giving them good skills for later riding. So I think there are many reasons to support them. The safety benefits are probably the weaker of the reasons for supporting those sorts of systems. One of the challenges we need to do if we are training child cyclists is to give them and the parents a good understanding of where it is safe for them to ride and how, so that there is a bit of a balance between encouraging people to ride and also getting them to recognise that some areas are actually safer than others.\textsuperscript{114}

6.32 In a submission to the inquiry, Mr Martin Miller recommended the construction of traffic training centres for school children in each major town centre to assist children to improve road safety and road traffic laws. Mr Miller also recommended that year six students undertake a cycle proficiency test which includes a written and practical test.\textsuperscript{115}

**COMMITTEE COMMENTS**

6.33 The Committee notes evidence provided to the inquiry about the increased risk to injury experienced by child cyclists. In addition, the Committee also notes that other witnesses expressed concern at the decreasing number of children that are riding to and from school and around their neighbourhood and that increasing cycling rates in children may assist in addressing other public health issues such as obesity and lack of physical activity.

\textsuperscript{113} Professor Narelle Haworth, *Transcript of Evidence*, 12 February 2014, pp. 102-103.

\textsuperscript{114} Professor Narelle Haworth, *Transcript of Evidence*, 12 February 2014, p. 103.

\textsuperscript{115} Mr Martin Miller, *Submission No. 45*, p. 11.
Recommendation 2

6.34 The Committee recommends that the ACT Government review the current cycling education programs available in ACT schools and that consideration is given to compulsory cycling training in all ACT primary schools.

Safety Concerns for Melrose High Students

6.35 The Committee heard evidence from Melrose High School about the risk of injury experienced by students when accessing Athllon Drive, a six lane road with a speed limit of 80km/h. Melrose High School submitted:

Approximately 400 students access the Athllon Drive/Beasley/Mawson Drive intersection within a 20 minute window at the conclusion of the school day. The vast majority are looking to access the south bound bus services which stops on the diagonal corner to the school.\(^{116}\)

6.36 At a public hearing on 12 February 2014 Mr George Palevestra, Principal, Melrose High School, provided additional details to the Committee:

The reason why we have major concerns is that the traffic speed on that intersection is 80 kilometres an hour. Unfortunately, we are dealing with adolescents who are a bit more impulsive in terms of the way in which they access the intersection. That is not to say they access the intersection in a dangerous way. However, of course, because the vast majority of them are accessing buses which are coming down Athllon Drive, invariably they spot the bus and they try to find the quickest route across to the diagonal corner.\(^{117}\)

6.37 Further to this, the Committee was advised that the school operates a monitoring system whereby staff supervise students as they are leaving the school property but that there has been concerns from staff, the union and WorkCover about school staff not having control of the intersection. Due to the fact that teachers are not traffic police, the school is unable to extend their jurisdiction beyond the boundary of the school property.\(^{118}\)

6.38 Mr Palavestra explained to the Committee that Melrose High School staff find the monitoring duty very challenging:

One of the challenges has always been my staff. My staff struggle with that duty. I have difficulty in filling that duty as a requirement from my teachers, because they are really

\(^{116}\) Melrose High School, Submission No. 10, p. 2.
\(^{117}\) Mr George Palevestra, Transcript of Evidence, 12 February 2014, pp. 142-143.
\(^{118}\) Mr George Palevestra, Transcript of Evidence, 12 February 2014, p. 143.
anxious about being responsible for students who might be hit on that intersection. That part of it has always been a concern from the staff perspective.119

6.39 The Committee also heard additional evidence from Mr Palavestra:

We have negotiated many opportunities to discuss modifications to the intersection over the past 10 years, the school board, the P&C, the SRC. We have had quite a large focus around this intersection for a long period. We have had minor modifications in terms of signage. But the standard has always come back to: it is the school’s responsibility to educate the students to cross the road. And we do that. Unfortunately, there is one factor that people do not take into consideration: we deal with adolescents, and adolescents are considered to be vulnerable road users and they do take risks.120

6.40 On the matter of the announcement in February 2014 that measures will be implemented in March 2014 to improve safety for students, Mr Palavestra indicated that they will be of some assistance, but that the school’s preference is for the installation of a scramble crossing—a diagonal crossing which allows pedestrians to cross an intersection in every direction at the same time. The school has been advised that this is not a viable option because:

...the safety issues around the scramble crossing only operating for a short period of time during the day would potentially cause more problems than it would solve— for example, public road users stepping out onto the road thinking that it was a scramble crossing when in fact it was back to its normal situation. That is the advice we have been given and it is aligned to some of the OHS feedback that we have received from New South Wales.121

COMMITTEE COMMENTS

6.41 The Committee notes that representatives from Melrose High School have been concerned about the safety of their students for some time and that there have been ongoing discussions with the ACT Government and directorate officials.

6.42 The Committee also notes that measures came into effect in March 2014 in order to improve safety for students: a reduced speed limit of 60 km/h along sections of Athllon Drive is now in operation between 3pm and 3.30pm on school days. There is also an extension of time allowed for pedestrians to cross at the traffic lights at the intersection of Beasley Drive and Athllon Drive.

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119 Mr George Palavestra, Transcript of Evidence, 12 February 2014, p. 149.
120 Mr George Palavestra, Transcript of Evidence, 12 February 2014, p. 143.
121 Mr George Palavestra, Transcript of Evidence, 12 February 2014, pp. 147-148.
Recommendation 3

6.43 The Committee recommends that the ACT Government closely monitor the traffic conditions at the intersection of Athllon Drive and Beasley Drive and provide a report to the Assembly by the end of 2014.

INADEQUATE PROTECTION FOR VULNERABLE ROAD USERS

6.44 The Committee heard evidence that vulnerable road users are not adequately protected legally when involved in a road accident.

6.45 Pedal Power ACT submitted the following viewpoint:

Drivers who kill or injure people riding bicycles rarely receive significant penalties from the criminal justice system. Unlike offences related to speeding which attract strict liability, serious offences related to the killing or injuring of road users require the prosecution to prove intent. Defences such as ‘the sun blinded me so I didn’t see him’ lead to the dismissal of charges.\(^{122}\)

6.46 Taking a similar perspective, the Canberra Vikings Cycling Club submitted:

Australian studies have shown that in around 80 per cent of accidents between cars and bicycles, car drivers are at fault. In the vast majority of cases, the cyclist comes off worst. While only 8 per cent of all motor vehicle crashes involved injury, 57 per cent of crashes involving bicycles were injury crashes. Nonetheless, it is still up to the cyclist to prove that the driver was at fault in the event of a damages claim. This is a heavy burden on the cyclist, who usually does not have the backing of an insurance company.\(^{123}\)

6.47 Ms Stacie Hall provided evidence to the Committee about the challenges faced by cyclists when reporting accidents to the police due to the fact that cases are handled inconsistently. Ms Hall noted that it is important for the cycling community to help all members of the community understand what is involved in reporting an incident to the police and the steps that should be taken:

...for example, going to the police and firmly requesting that you want to make a statement: as opposed to putting in a complaint, actually putting a statement on the record that requires them to open a file and follow up the incident to conclude it. And then there are the procedures beyond that—if the matter is not progressed to the

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\(^{122}\) Pedal Power ACT, Submission No. 14, p. 13.

\(^{123}\) Canberra Vikings Cycling Club, Submission No. 27, p. 4.
satisfaction of the complainant through to escalating process steps in the system all the way through to police or ombudsman-type consideration.

That would make it easier for cyclists. Very often, when they have these experiences, they suffer some physical injury as well. In addition to going to the hospital, getting yourself cleaned up, recovering, getting your bike fixed and replacing all your kit that has been trashed, you have to follow through a police process. It is really quite hard. It is impenetrable. The burden of proof is on the complainant.\(^{124}\)

6.48 One mechanism to respond to the matter of inadequate protection for vulnerable road users is the introduction of a strict liability scheme which is discussed in more detail in Chapter Seven of this report.

6.49 The Committee also heard evidence that an increasing number of cyclists are wearing cameras on their helmets so that, in the event that an accident occurs, the cyclists will have a record of the events leading to the accident.

**URBAN PLANNING AND INFRASTRUCTURE DESIGN**

6.50 Several witnesses provided evidence about the issues encountered by vulnerable road users in relation to urban planning and infrastructure design.

**ROAD DESIGN AND MAINTENANCE**

6.51 Pedal Power ACT submitted:

> Road maintenance standards are also a major issue for cyclists. Deep potholes can cause a crash and need to be repaired as a priority. On-road lanes are often not as well surfaced as the traffic lanes (eg Belconnen Way eastbound) and may be littered with debris (some of it deliberate) that can cause a tyre blowout or worse. Road shoulders should provide riders with a safe escape route in an emergency.\(^{125}\)

6.52 Canberra Vikings Cycling Club identified debris in cycle lanes as an issue for cyclists and suggested that more regular street sweeping should occur. In addition, it was noted that chip seal surfacing also presents a challenge for cyclists.

> The other question that comes up in regard to road surfaces, of course, is the chip seal surfacing that is done all over the ACT. That is a challenge for bike riders; there is no question about that. I know it is not popular with car drivers either, but when you are relying on the weight of the vehicle to seal the road and to squash the chips down into

\(^{124}\) Ms Stacie Hall, *Transcript of Evidence*, 3 December 2013, p. 64.

the tar, you need a lot of pretty heavy bikes to make a difference. Obviously cost benefits are a consideration for the government.\textsuperscript{126}

**Dedicated Cycle Lanes**

6.53 The Committee notes evidence from Ms Gillian King expressing concern about roads that have dedicated cycle lanes in only one direction. Captain Cook Crescent was given as an example which has a cycle path on the north-bound carriage way but not on most of the south bound carriage way.\textsuperscript{127}

6.54 Several witnesses raised concerns about the safety implications when cycle lanes end suddenly.\textsuperscript{128}

6.55 Mr Ben Buchler submitted:

> It is pointless and dangerous to have on-road cycling lanes that start and stop. Often, the reason for the disappearing lane is that the road narrows, so not only are you out of a lane, but also the cars and trucks to your right have less space.\textsuperscript{129}

6.56 On the matter of dedicated on-road cycle lanes, the MRA-ACT offered the following perspective:

> While the MRA-ACT encourages the use of bicycles on the ACT roads and footpaths, on-road cycle lanes should not be a norm at the expense of crash avoidance space for other road users. For example, the narrowing of the lanes on Northbourne Avenue adversely impacts on crash avoidance space.\textsuperscript{130}

6.57 On another matter with respect to on-road cycle lanes, the NRMA-ACT Road Safety Trust told the Committee that statistics suggest that designated cycle lanes are the safest place for a cyclist to be.\textsuperscript{131} In their submission to the inquiry, the NRMA-ACT Road Safety Trust reported findings from a study that investigated the experiences of cyclists travelling on the roads in the Australian Capital Territory with a focus on their interactions with other road users:

> On-road bike lanes do contribute to a feeling of safety and predictability and both cyclists and drivers have reported feeling more comfortable sharing a road with cycling-related line markings compared to roads without the line markings.\textsuperscript{132}

\textsuperscript{126} Mr Robert Fisher, *Transcript of Evidence*, 2 December 2013, p. 22.

\textsuperscript{127} Ms Gillian King, *Submission No. 46*, pp. 12-14.

\textsuperscript{128} Ms Lisa Jackson, *Submission No. 11*, p. 1, Mr Adam Lee, *Submission No. 12*, p. 1, Canberra Vikings Cycling Club, *Submission No. 27*, p. 3.

\textsuperscript{129} Mr Ben Buchler, *Submission No. 6*, p. 1.

\textsuperscript{130} Motorcycle Riders’ Association—ACT, *Submission No. 15*, p. 10.

\textsuperscript{131} Professor Don Aitkin, *Transcript of Evidence*, 3 December 2013, pp. 45-46.

\textsuperscript{132} NRMA-ACT Road Safety Trust, *Submission No. 4*, p. 12.
COMMITTEE COMMENTS

6.58 The Committee notes that the issue of incomplete cycle paths has been discussed during debate in the Legislative Assembly and has been the subject of questioning at public hearings for committee inquiries into annual and financial reports.

6.59 In its most recent Report on Annual and Financial Reports, the Committee recommended that the ACT Government undertake an in-house audit of missing links in the cycle path network.¹³³

SHARED PATHS

6.60 The Committee heard evidence about the incidence of bicycle crashes that occur on shared paths.

6.61 On this matter, the Committee received evidence about research undertaken by the George Institute for Global Health and funded by the NRMA-ACT Road Safety Trust. This research found that:

Crashes on shared paths and in traffic were more likely to result in serious injury and to require admission to hospital than those on cycle lanes or other pedestrian facilities. These findings are consistent with other studies that have concluded that separated cycle-only facilities such as on-road cycle lanes have a positive safety effect, whereas shared facilities such as footpaths (sidewalks) and shared paths (multiuse trails) have been found to pose higher injury risk than riding in traffic.¹³⁴

6.62 The Pedal Study assessed the outcomes of 202 cyclists injured in transport related crashes over a six month period from 21 November 2009 to 21 May 2010. The 202 crashes comprised 122 (60%) single vehicle crashes and 80 (40%) multi vehicle crashes.

6.63 Of the 202 cyclists injured in transport related crashes, 39% were riding in-traffic, 8% in cycle-lanes, 36% on shared paths and 17% on footpaths or other pedestrian areas. A further breakdown is included below in Table 4:

¹³⁴ The George Institute for Global Health, Submission No. 53, p. 3.
Table 4: Location of single and multiple vehicle crashes

<table>
<thead>
<tr>
<th></th>
<th>Single Vehicle</th>
<th></th>
<th>Multiple Vehicle</th>
<th></th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>Multiple</td>
<td>No.</td>
<td>Multiple</td>
<td></td>
</tr>
<tr>
<td>In traffic</td>
<td>32</td>
<td>In traffic</td>
<td>47</td>
<td>79</td>
<td></td>
</tr>
<tr>
<td>Shared paths</td>
<td>55</td>
<td>Shared paths</td>
<td>18</td>
<td>73</td>
<td></td>
</tr>
<tr>
<td>Footpath</td>
<td>29</td>
<td>Footpath</td>
<td>5</td>
<td>34</td>
<td></td>
</tr>
<tr>
<td>Bicycle lane</td>
<td>6</td>
<td>Bicycle lane</td>
<td>10</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>122</td>
<td>TOTAL</td>
<td>80</td>
<td>202</td>
<td></td>
</tr>
</tbody>
</table>


6.64 The study also found that over half of those injured on shared paths were in single bicycle-only crashes, almost one quarter involved other cyclists and 20% involved a pedestrian.

6.65 The following graph demonstrates the proportion of other road users involved in crashes by riding environment:

Figure 4: Proportion of other road users involved in crashes by riding environment


6.66 The study undertaken by The George Institute for Global Health was also discussed by JACS officials at a public hearing on 28 April 2014:

...The seriousness of injuries was quite pronounced for those off-road bicycle crashes, including bicycle-to-bicycle and bicycle-to-pedestrian crashes. So I think that again that is one of the areas that would benefit from some consideration of how we get the message out about sharing the road: it is not just sharing the road in terms of cars,
bicycles and motorcyclists, but also sharing the shared paths, particularly as the numbers using those facilities increase.\footnote{Ms Karen Greenland, \textit{Transcript of Evidence}, 28 April 2014, p. 192.}

**COMMITTEE COMMENTS**

6.67 The evidence provided to the Committee indicates that the incidence of cyclists being injured in transport related crashes on shared paths was approximately the same as being injured in a transport related incident when riding in traffic.

6.68 The Committee notes the findings from The George Institute for Global Health that ‘undue focus on motor vehicles may lead cyclists to underestimate other sources of injury risk’.\footnote{The George Institute for Global Health, \textit{Submission No. 53}, p. 3.}

**Recommendation 4**

6.69 The Committee recommends that the ACT Government introduce awareness programs for cyclists and pedestrians that includes information about off road and shared paths with a particular focus on their responsibilities to share facilities safely with other users.

**Recommendation 5**

6.70 The Committee recommends that the ACT Government conduct a review and safety audit of shared paths and undertake modifications to reduce potential risks to users of those shared facilities.

**FOOTPATHS**

6.71 Inadequate, poorly maintained footpaths that often abruptly finish is another issue affecting vulnerable road users. Ms Gillian King submitted that ‘paths and cycle lanes need to connect, to enable people to complete their journeys using pathways and/or cycle lanes.’\footnote{Ms Gillian King, \textit{Submission No. 46}, p. 2.} Ms King noted that often, off-road paths direct active transport users onto roads and/or driveways which can result in placing the cyclist or pedestrian in a potentially dangerous position close to other motorised traffic.

6.72 The Committee also heard evidence from Living Streets Canberra about safety concerns that arise from inadequate footpath infrastructure:

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\footnote{Ms Karen Greenland, \textit{Transcript of Evidence}, 28 April 2014, p. 192.}

\footnote{The George Institute for Global Health, \textit{Submission No. 53}, p. 3.}

\footnote{Ms Gillian King, \textit{Submission No. 46}, p. 2.}
It is very common in Canberra’s streets when there is not a footpath for people to landscape or park cars—usually landscape—right across a nature strip. This means that if you are a kid trying to ride to school and you have got a BMX bike or a mountain bike that can cope with the grass, you have still got obstructions that force you out onto the road. If you are a pedestrian and you are forced out onto the road, you must by law walk in the direction facing the oncoming traffic. The oncoming traffic is not obliged by the road rules to give way to you. So you are put in a very dangerous position there.  

REGULATION

CYCLISTS AT PEDESTRIAN CROSSINGS

6.73 Under section 248 of the Australian Road Rules:

- (1) The rider of a bicycle must not ride across a road, or part of a road, on a children’s crossing or pedestrian crossing.
- (2) The rider of a bicycle must not ride across a road, or part of a road, on a marked foot crossing, unless there are bicycle crossing lights at the crossing showing a green bicycle crossing light.  

6.74 The Committee heard a range of views on the requirement that cyclists must dismount when crossing a pedestrian crossing, with a number of witnesses suggesting that the rule should be changed. Several witnesses also observed that there is very little compliance with the rule.

6.75 Professor Haworth provided the following view:

Yes. I would agree that mostly cyclists do not dismount. In fact one of the projects that we have done for the Queensland government is to review the road rules that apply to cycling and walking, and that was one of the road rules that we looked at. We are now in the process of going through the system of changing that road rule so that it is not required for cyclists to dismount on the grounds that there was not a lot of evidence that it was leading to a lack of safety and also there was sheer lack of compliance, and it was another obstacle to increasing the popularity of cycling.

What we are doing at the moment is some observational work—looking at what are the safety margins that people are adopting when they are doing that and looking at what the safety impact of changing that rule is. In fact last October the Queensland rule was changed in regard to riding across a signalised intersection. Now cyclists are

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138 Mr Leon Arundell, Transcript of Evidence, 12 February 2014, p. 97.
140 Ms Lisa Jackson, Submission No. 11, p. 1.
allowed to ride across when the green walk man is there. But the one which has not
changed yet and which is now being considered is the pedestrian crossing. The
proposed change to the rule is that cyclists must stop and look and then they can ride
across the crossing. To just barrel out into the crossing and hope that you have been
seen is obviously not something that we would be recommending as safe behaviour. 141

6.76 Pedal Power ACT suggested that ‘this must be one of the least obeyed or most misunderstood
road rules. Cyclists rarely seldom stop and walk their bikes across; ‘drivers invariably stop, and
expect people to ride across so car driver can continue on their way with the least delay’. This
leads to a confusing situation for all road users and may increase the risk of injury to cyclists. 142

6.77 Pedal Power ACT provided the following additional information on this matter at a public
hearing on 3 December 2013:

The distinct safety advantage is reliability and assuredness for the motorist and for the
cyclist. It would be unfair for a motorist to seek to be aware of a cyclist travelling at 30
kilometres an hour or so as they approach a pedestrian crossing. We suggest that the
laws be modified so that cyclists are allowed to cross at pedestrian crossings. The
shared path network that we have leads into pedestrian crossings in many cases. It is
sometimes safer to actually ride across at a slow speed, and we suggest a speed of a
maximum of 15 kilometres or something to that effect. The reality is that it is a law that
is not well enforced or utilised. The research that we have identified indicates that
between 90 and 95 per cent of people do not stop and walk their bicycle across
pedestrian crossings. 143

6.78 Mr Martin Miller submitted that ‘the requirement of cyclists to dismount and walk across a
pedestrian crossing could be argued as the number one issue in the so called “bike vs car” wars
in the ACT’. Mr Miller recommended the installation of additional shared path crossings (like
the one in De Burgh Street, Lyneham) to facilitate safer access to these crossings for both
cyclists and pedestrians. 144 Expanding the use of shared path crossings like on De Burgh Street
was also supported by Mr Toby Driscoll as it would ‘provide priority to cycle traffic, improve
safety and encourage active transport’. 145

6.79 In response to a question from the Committee at a public hearing about whether cyclists
should be required to dismount at pedestrian crossings, Mr Stuart Jones, President, Canberra
Cycling Club responded:

141 Professor Narelle Haworth, Transcript of Evidence, 12 February 2014, p. 104.
142 Pedal Power ACT, Submission No. 14, p. 19.
143 Pedal Power ACT, Transcript of Evidence, 3 December 2013, pp. 36-37.
144 Mr Martin Miller, Submission No. 45, p. 13.
145 Mr Toby Driscoll, Submission No. 50, p. 1.
... personally I do not think cyclists should have to stop and hop off their bike at a pedestrian crossing, but they should be slow enough to make sure that motorists have seen them. Obviously, that is very hard to put into practice or to make a law. But I guess at the moment that as the law states cyclists need to get off their bike and walk across a crossing, then that is what they should do.  

6.80 Other witnesses to the Committee did not support any changes to the requirement for cyclists to dismount at pedestrian crossings.  

6.81 Mr Ian McMahon submitted that the requirement for cyclists to dismount ‘should be rigorously enforced and any attempt to remove this requirement should be resisted’.  

6.82 Similarly, Mr Barry Taylor submitted that amending this rule to allow cyclists to ride across pedestrian crossings will make these crossings unsafe for cyclists and pedestrians.  

6.83 With respect to the current requirement for cyclists to dismount at pedestrian crossings, the Committee sought the Attorney General’s advice on the Government’s position on this matter. In particular, the Committee inquired about the Government’s position with respect to alternative approaches such as requiring cyclists to stop and then ride through a pedestrian crossing. The Committee was advised as follows:

This is a vexed issue. I understand and accept the rationale about why this rule is in the Australian road rules. That is to try and prevent circumstances where cyclists enter a pedestrian crossing or a marked crossing at speed and in a way where there is insufficient time for the motorists to identify that they are entering the crossing and therefore stop to give them right of way. That is the purpose of the rule. Obviously, there are many circumstances, though, where cyclists consider it impractical to dismount to cross because clearly there is no-one in sight and they are able to effect the crossing safely mounted. So I understand the dilemma. I do not think it is a reason to remove a requirement for people to use caution whilst crossing and obviously that intent is what is reflected in the existing rule.

Whether or not the rule can be structured in some other way that still puts an obligation on the cyclist to enter the crossing safely and thereby give the motorist sufficient time to give way is, I think, the question. I do not have a view, and the government does not have a view, on that.  

147 Ms Margo Saunders, *Submission No. 18*, p. 3,  
148 Mr Ian McMahon, *Submission No. 48*, p. 1,  
149 Mr Barry Taylor, *Submission No. 51*, p. 2,  
Further to this, the Attorney General advised that the Queensland road rules were amended in October 2013 to allow cyclists to ride slowly across the road on a marked foot crossing. This rule change applies to traffic light crossings only and not pedestrian or zebra crossings. Cyclists are also required to give way to pedestrians on the crossing and keep to the left.\footnote{Mr Simon Corbell MLA, \textit{Transcript of Evidence}, 28 April 2014, p. 187.}

The Committee also discussed the requirement for cyclists to dismount at pedestrian crossings with Mr Shane Rattenbury MLA, Minister for Territory and Municipal Services who noted:

The more challenging one is cyclists crossing marked zebra crossings. At the moment, cyclists are required to dismount. I think we have all observed that they generally do not; probably in 95 per cent of cases people ride across those crossings. There is a challenge there to think about what is the right legal response to that. I have sought advice from TAMS on this, and the view is that we could change the law in a way that cyclists would be required to cross at a walking pace. I guess the tension we are trying to balance here is that you obviously do not want cyclists shooting across the road at a pedestrian crossing but the practical reality seems to be that people find dismounting inconvenient. I think that, as pedestrians do when they walk up to a crossing, you want to ensure that you have engaged the motorist, that you have got a sense they have seen you and they are slowing down for you. If we were to change the law, we would need cyclists to approach the crossing in a similar way and not just whiz across, to use the non-technical term. If we were to change the law in that way, we would need to require that sort of approach—essentially a give-way approach almost.\footnote{Mr Shane Rattenbury MLA, \textit{Transcript of Evidence}, 30 April 2014, p.}

The Committee was also advised that TAMS are trialling the use of signal lights for cyclists:

That may be an alternative way of managing the issue. Obviously, it is potentially a more expensive way because it means you have to supply the signal equipment but that may be a way of addressing this question for high-volume crossings. That is what is certainly being trialled on Barry Drive, which is on the main cycleway crossing across Barry Drive from Turner into the city. That gives priority to cyclists with a signal change that indicates it is safe for them to cross.\footnote{Mr Simon Corbell MLA, \textit{Transcript of Evidence}, 28 April 2014, p. 188.}

Notwithstanding witnesses’ views on whether or not the requirement for pedestrians to dismount should be changed, several witnesses observed that it is very important that cyclists observe the road rules.

Mr Walter Hawkins, Maurice Blackburn Lawyers stated:

\begin{quote}
My school of thought is that one obeys the road rules. The rules are there for us to adhere to. If, as a cyclist, I have got a green light, I should be able to proceed with every
\end{quote}
confidence that another road user is not going to disobey the traffic signal that may be facing them. I think it is vitally important.\textsuperscript{154}

6.89 Mr Hawkins went on to say:

My personal view is that there are significant numbers of situations where cyclists may not comply with that particular road rule. As a consequence of that, I think you have to look at whether or not there may be alternatives. I think consideration may have to be given to the situation where a cyclist, if they do come up to a crossing, may not have to dismount but should adjust their speed appropriate to the situation, which, in my view, would ordinarily be more akin to the speed of a pedestrian crossing that roadway. So you would not have situation where, potentially, motor vehicles coming up to that crossing have to deal with persons crossing that crossing at various speeds, making it quite difficult to adjudge their own speed and whether they should be braking or not braking to avoid situations where, in their mind, someone is proceeding across that pedestrian crossing such that, when they have done a view before, they may say that they are taken by surprise.\textsuperscript{155}

6.90 Ms Blumer, former President, ACT Law Society stated:

The kind of accidents we often see, for instance, are accidents on pedestrian crossings. People are still running people over at pedestrian crossings, and pedestrians are still not looking properly and making sure they have made eye contact before they cross the road. That is a very simple example. As I mentioned before, honoured in the breach is the fact that a vehicle turning right has to give way to any pedestrian in the road. That does not happen. Another example is cyclists riding across pedestrian crossings. We have all seen it and got the shock of our lives, and they are supposed to get off. That is something else that is more honoured in the breach. So there are a lot of things commonly happening on our roads here that should not be. It suggests to me that a very good campaign by the government, the road users or whoever would really assist that. We have seen that with the Amy Gillett Foundation talking about distance from cyclists and those sorts of things. You could do that.\textsuperscript{156}

\textbf{COMMITTEE COMMENTS}

6.91 The Committee notes that several witnesses discussed the requirement for cyclists to dismount at pedestrian crossings, with some advocating for changes to the road rule and others advocating for the status quo.

\begin{footnotes}
\item[154] Mr Walter Hawkins, \textit{Transcript of Evidence}, 5 March 2014, p. 166.
\item[156] Ms Noor Blumer, \textit{Transcript of Evidence}, 12 February 2014, p. 81.
\end{footnotes}
6.92 Whilst acknowledging the argument that road rules should be obeyed and that a high level of non-compliance with a particular road rule does not usually build a strong case for change, the Committee accepts the views put forward throughout the inquiry suggesting that there is not a clear incentive for the continuation of the current arrangement.

6.93 The Committee is of the view that the requirement for cyclists to dismount at pedestrian crossings should be amended to enable cyclists to remain on their bikes, but that they must slow to a walking pace.

6.94 In addition, the Committee suggests that an audit of all pedestrian crossings be undertaken to assess the safety and suitability for each individual location. In areas that are categorised as high pedestrian and cycling activity, consideration should be given to installing shared crossings such as the example in De Burgh Street, Lyneham.

**Recommendation 6**

6.95 The Committee recommends that the ACT Government conduct an audit of all pedestrian crossings to assess the safety and suitability of the crossing for the location. It is recommended that, in areas of high pedestrian and cycling activity, consideration should be given to installing shared crossings such as the example in De Burgh Street, Lyneham.

**Recommendation 7**

6.96 The Committee recommends that the requirement for cyclists to dismount at pedestrian crossings be amended to enable cyclists to remain on their bikes, but that they must slow to a walking pace prior to entering and when on the crossing.

**TRAINING AND SKILLS DEVELOPMENT**

6.97 The Committee heard evidence that a serious issue affecting particular vulnerable road user groups is inadequate training and skills development. This places the vulnerable road user at an increased risk of injury if their skills and awareness are not at the level required to execute their use of the road. This issue was particularly highlighted for motorcyclists.
TRAINING FOR MOTORCYCLISTS

6.98 NRMA Insurance submitted that riding a motorcycle is far more difficult than driving a car and it is crucial that motorcyclists have the necessary skills to ride safely. In order to do so, NRMA Insurance recommended that training courses delivered by accredited training centres be provided so that motorcyclists can gain these skills.  

6.99 The Committee received a submission from Ms Margo Saunders suggested that ‘motorcycle training needs to emphasise ‘road craft’: the judgement and skills required for riding safely on the road’.  

6.100 Further to this, Ms Saunders noted recent comments from the Queensland Government that riding a motorcycle requires different and supplementary skills compared to driving a car, include extra skills like balance and coordination of multiple controls.  

6.101 The Committee heard evidence about the need for additional training to be provided for motorcyclists. Advanced skills and rider awareness training are necessary for both learner riders as well as more experienced riders who may be returning to riding after some time.  

6.102 In their submission to the inquiry, CARRS-Q noted that while the learner stage has consistently been shown to be much safer for car drivers than the subsequent provisional stage, the same is not true for motorcyclists. NSW data shows that during 2011, learner motorcycle licence holders were involved in more injury crashes than provisional motorcycle licence holders (16.1% and 10.9%, respectively). In contrast, learner car drivers were involved in only 1.0% of all car driver injury crashes compared to 17.5% involving provisional car licence holders. In Queensland, newly licensed motorcyclists are found to be at considerable risk with more than 16% of motorcyclists in fatal crashes in 2006 having held a licence less a year, and a further 6% having held a licence for between 1 and 2 years. Only 2% had held a licence longer than 8 years.  

6.103 The Committee inquired about this issue further at a public hearing on 12 February 2014, in particular the research undertaken by CARRS-Q to identify best practice approaches to motorcycle training, and was advised:

One of the other things that we have picked up on in our research is that motorcycle training needs to incorporate not only the skills to control the motorcycle but also the skills to make the correct decisions when riding. That relates to the perception and
response to hazards and also to the whole idea of teaching the ability to manage levels of risk and to recognise the levels of risk in particular behaviours.\textsuperscript{160}

6.104 Professor Haworth reported that a particular area of focus for training is to incorporate cognitive skills into motorcycle training in addition to the usual skills to start and stop:

Best practice needs to also recognise that the structure of graduated licensing for motor cycling probably needs to be different from the structure for car driving. With car driving, we know that we can keep our learners quite safe. From an injury point of view, learners are the safest drivers on the road. We have supervised driving and so on. We know what we should be doing and that it works quite well for teaching people to drive. But with teaching people to ride, a learner system just is not as safe for motorcyclists because they are not able to be supervised to the same extent as car drivers.\textsuperscript{161}

6.105 On this matter, Professor Haworth argued that the introduction of a logbook system for learner motorcyclists, similar to that currently used for learner drivers, was not the best way to be increasing learner motorcyclists’ skills.

For motorcyclists, instead of encouraging experience as a learner, we need to give them a more comprehensive and established set of skills before we let them out on to the road. We know we cannot keep them safe as semi-skilled learners, so in a sense we need to put a lot more training in at the beginning so that when we do let them out on to the road they are not as high risk as they are now.\textsuperscript{162}

6.106 The MRA-ACT provided evidence about the Mature Aged Skills Transfer (MASTERS) course that is run by StayUpright. MRA ACT applies to the NRMA Road Safety Trust each year for funding to subsidise rider training for returning riders and riders who have not undertaken recent training.

6.107 The MRA-ACT also advocated for the development of a course, to be funded by the ACT Government, for riders who have held their provisional licence for a minimum of six months. Additional detail was provided about such a course called Girls Education and Rider Safety which was developed for Girls on the Move Incorporated, in conjunction with StayUpright and was funded by the NRMA-ACT Road Safety Trust. The MRA-ACT noted that ‘this course was very successful and has only stopped running due to the club ceasing to be incorporated’.\textsuperscript{163}

\textsuperscript{160} Professor Narelle Haworth, Transcript of Evidence, 12 February 2014, p. 102.
\textsuperscript{161} Professor Narelle Haworth, Transcript of Evidence, 12 February 2014, p. 102.
\textsuperscript{162} Professor Narelle Haworth, Transcript of Evidence, 12 February 2014, p. 103.
\textsuperscript{163} Motorcycle Riders Association of the ACT, Submission No. 15, p. 14.
COMMITTEE COMMENTS

6.108 The Committee notes that a number of witnesses recognised the need for additional training to be provided to motorcyclists, particularly when they are first learning to ride.

6.109 The Committee notes that in order to obtain a learner motorcycle licence in the ACT, riders must pass a seven hour Pre-Learner training course. To obtain an ACT Provisional rider licence, learner riders must pass the seven hour Provisional Training Course and Provisional Assessment called the Motorcycle Operators Skill Test. Both of these training courses are provided through Stay Upright Rider Training.

6.110 The Committee is aware that motorcyclists are at a much higher risk of injury and death when compared to car drivers. Of particular concern are the statistics outlined earlier that show that the number of injured motorcyclists increased by approximately two times during the period between 2001-2010, roughly in-line with the increase in motorcycle registrations. However, the increase was nearly six times for motorcyclists aged 46 years and over.¹⁶⁴

Recommendation 8

6.111 The Committee recommends that the ACT Government review the current requirements that motorcycle riders must fulfil to obtain their learner and provisional licences and evaluate their effectiveness to provide novice drivers with adequate skills and training.

Recommendation 9

6.112 The Committee recommends that the ACT Government provide ongoing funding to the Motorcycle Riders Association of the ACT to subsidise the Mature Aged Skills Transfer course delivered by Stay Upright.

COMMUNITY PERCEPTION OF VULNERABLE ROAD USERS

Cyclists

6.113 The Committee received evidence from a number of witnesses and submissions about the impact of negative community perception of vulnerable road users related primarily to cyclists.

¹⁶⁴ Transport and Road Safety Research, UNSW, Reducing Motorcycle Trauma in the ACT, Exhibit No. 6, p. 5.
6.114 Several cyclists submitted their concerns about negative attitudes towards cyclists and the
ignorance of the issues affecting vulnerable road users from those road users that are less
vulnerable.\textsuperscript{165}

6.115 Mr Ben Buchler submitted that cyclists are affected by the ignorance of drivers and noted that
‘the single biggest risk to vulnerable road users are the road users who are least vulnerable’.\textsuperscript{166}

6.116 Mr Malcom Leslie submitted:

There appears to be, amongst the vast majority of drivers in Canberra and throughout
Australia, a distinct lack of respect for the rights of cyclists to use the roads’.\textsuperscript{167}

6.117 Furthermore, the Committee heard evidence from cyclists who reported incidents where they
had been subjected to or had witnessed abuse and dangerous driving and aggressive
behaviour.\textsuperscript{168}

6.118 Dr Ashley Carruthers submitted:

Abuse, aggression, dangerous driving around cyclists and so on happen very frequently
on morning rides. When one has done such riding for over ten years almost daily, one
realises that these are not isolated incidents, but rather constitute a pattern of
behaviour.\textsuperscript{169}

6.119 Ms Stacie Hall provided a number of recent examples of aggressive and irresponsible driver
behaviour experienced by cyclists including: drivers throwing objects from cars at cyclists,
aggressive and menacing behaviour and deliberate breaking of road rules and dangerous
driving in an attempt to intimidate cyclists.\textsuperscript{170}

6.120 On the matter of negative public perception of cyclists, Mr Ron Brent submitted that this
negative public perception is contributing to the vulnerability of cyclists. For example:
cyclists break road rules and therefore don’t deserve respect on the road;
cyclists don’t pay for the roads and shouldn’t be allowed to use them; and
cyclists slow and interfere with traffic.\textsuperscript{171}

6.121 The Committee also heard a different perspective from another submission. Mr Barry Taylor
submitted that cyclists would be much less vulnerable if they observed three practices:

\textsuperscript{165} Mr Cameron Jose, \textit{Submission No. 28}, pp. 1-2, Ms Susan Kleven, \textit{Submission No. 36}, p. 1,
\textsuperscript{166} Mr Ben Buchler, \textit{Submission No. 6}, p. 1.
\textsuperscript{167} Mr Malcolm Leslie, \textit{Submission No. 29}, p. 1.
\textsuperscript{168} Mr Daniel Oakman, \textit{Submission No. 21}, p. 1, Ms Deciana Speckmann, \textit{Submission No. 32}, p. 2, Mr Steve Crispin,
\textit{Submission No. 37}, p. 1, Mr Gary Rolfe, \textit{Submission No. 38}, pp. 1-2,
\textsuperscript{169} Dr Ashley Carruthers, \textit{Submission No. 20}, p. 1.
\textsuperscript{170} Ms Stacie Hall, \textit{Submission No. 33}, pp. 2-3.
\textsuperscript{171} Mr Ron Brent, \textit{Submission No. 41}, p. 1.
(a) obeyed the road and cycling rules, (b) observe cycling etiquette and (c) use common sense.\textsuperscript{172}

**MOTORCYCLISTS**

6.122 The MRA-ACT expressed concern about the negative community perception of motorcyclists:

We have concerns that the image of motorcyclists is not very good, and we would like that improved by the funding of a supportive campaign by ACT government. It seems to us that when you hear of a crash, the immediate assumption is that the motorcyclist is at fault. We are very concerned that that translates to attitude from drivers.\textsuperscript{173}

**RAISING AWARENESS ABOUT VULNERABLE ROAD USERS**

6.123 Evidence provided to the Committee suggested that some of the negative perception of vulnerable road users may be the result of a lack of understanding and awareness of the rights of groups such as cyclists and motorcyclists to use the road.\textsuperscript{174}

6.124 The Committee was advised that JACS currently has a proposal to develop a vulnerable road users brochure to be provided to all road users when registration renewals are mailed out. It is proposed that the brochure include information about the correct use of paths such as the city cycle loop and road cycle lanes and ‘what people should understand by the rules that apply in those circumstances’.\textsuperscript{175}

6.125 The Committee notes the *Sharing roads and paths* code of conduct developed in Victoria by the AGF in collaboration with a range of stakeholders. The code brings key cycling related road rules and responsibilities together into one easy to use guide aimed at informing all road users on how to share spaces safely with bicycle riders. A copy of the code of conduct is provided at Appendix D.\textsuperscript{176}

**COMMITTEE COMMENTS**

6.126 The Committee is concerned about the incidents of abuse and aggression reported throughout the inquiry by a number of cyclists. The Committee accepts that many of these incidents may be result from a lack of awareness and understanding about cyclists’ rights to be on the road and that it is the responsibility of all road users to maintain safety.

\textsuperscript{172} Mr Barry Taylor, *Submission No. 51*, p. 1.


\textsuperscript{174} Canberra Cycling Club, *Submission No. 26*, p. 2, Ms Stacie Hall, *Submission No. 33*, p. 2.


6.127 The Committee notes that even the most comprehensive awareness campaigns about the rights of cyclists to use ACT roads may not be enough to eliminate every single act of aggression or abuse against cyclists. Although that is regrettable, the Committee is heartened by the range of suggestions provided throughout the inquiry, as well as the initiatives that have been implemented in other jurisdictions.

6.128 The Committee sees value in the campaigns that have sought to encourage community members to recognise cyclists as being valuable members of their community and people that they would encounter every day—their mothers, siblings, friends, colleagues etc. It is important that these awareness raising messages are regularly reinforced.

6.129 The Committee supports the collaborative approach undertaken in Victoria to develop the *Sharing roads and paths* code of conduct document. It is the Committee’s view that it would be beneficial for a similar document to be developed in the ACT and that the document should be developed in consultation with a range of road user groups.

**Recommendation 10**

6.130 The Committee recommends that a Vulnerable Road Users brochure be provided to all road users when registration renewals are mailed out. The brochure should include a profile of vulnerable road users and the safety issues that drivers need to be aware of.

**Recommendation 11**

6.131 The Committee recommends that the ACT Government establish a consultative group to develop a cyclists’ code of conduct document based on the principles outlined in the Victorian document *Sharing roads and paths*.

**INCONSISTENCIES IN DATA COLLECTION**

6.132 The Committee heard evidence that there are inconsistencies in the data collected relating to road crashes and injuries sustained. Some of the inconsistency is due to the fact that not all accidents are reported. The Committee was also advised that the situation could be improved if there were better systems in place to allow for greater sharing of data between relevant agencies. This will facilitate greater collaboration as well as holistic consideration of the issues affecting vulnerable road users.

6.133 CARRS-Q submitted that:

> Crashes involving motor vehicles are a major contributor to the most severe outcomes for bicycle riders. They represent 63.3% of cyclist fatalities (Australian Bureau of Statistics, 2013), 39.4% of cyclists admitted to hospital (Henley & Harrison, 2012b), and
6-8% of cyclist Emergency Department presentations (Queensland Injury Surveillance Unit, 2005) on public roads. Of the bicycle crashes that result in injury or fatality, only those that occur on the public road network and involve a motor vehicle are required to be reported to Police and thus become part of the Police-reported crash data.

Unfortunately, many of these crashes which are required to be reported are not actually reported. US and European studies indicate that only 11% (Stutts et al., 1990) to 13% (Veisten et al., 2007) of bicycle crashes are recorded in police statistics and the data are skewed to serious injury crashes and those that involve motor vehicles (Stutts et al., 1990). The extent of under-reporting is greater in less serious bicycle crashes in many countries (see ITF, 2012). In a CARRS-Q survey of Queensland cyclists, only 3.9% of self-reported crashes that met the requirement for reporting to police (occurred on a public road, and resulted in at least one person being injured or killed) were reported to police. While 45.5% of bicycle-motor vehicles were reported, only 4.8% of multiple bicycle crashes, 16.7% of bicycle-pedestrian and 18.8% of bicycle-animal crashes were reported. The survey results indicate that single vehicle, and multiple bicycle crashes are severely under-reported in official police data. Thus the Police-reported crash data is incomplete for bicycle crashes. In addition, the severity of injury recorded in the Police-reported crash data is not always accurate.177

6.134 When responding to a question from the Committee about best practice examples, either nationally or internationally, with respect to compiling and publishing accident data, Professor Haworth observed:

So there is a general pattern across jurisdictions in the world of under-reporting of crashes involving vulnerable road users, not so much with the pedestrians but more the bicyclists and the motorcyclists.178

6.135 The Committee was advised that one approach being utilised in some international jurisdictions to respond to the issue of under-reporting, is to facilitate ‘better linking with an incorporation of hospital data to get a better idea of what is happening with crashes of vulnerable road users’. Professor Haworth observed that such a approach would be difficult to implement in Australia because of privacy issues.179

6.136 Further to this, Professor Haworth stated:

The challenge still for data in many parts of the world is that it is not as well done. There are improvements that can be made to the timeliness of data as well as its completeness. That may involve computerised systems. I certainly know that in many parts of Australia data—and I am talking about non-fatal crash data—has a very long

177 Centre for Accident Research & Road Safety – Queensland, Submission No. 5, pp. 9-10.
178 Professor Narelle Haworth, Transcript of Evidence, 12 February 2014, p. 105.
179 Professor Narelle Haworth, Transcript of Evidence, 12 February 2014, p. 105.
lag time. Some of that has to do with perhaps organisations being quite protective of their data or of wanting to make sure that it is absolutely accurate before anything is released rather than being willing to have indicative data that is later updated. From a researcher’s point of view and from the point of view of monitoring the effectiveness of programs, that is an issue.\textsuperscript{180}

6.137 The Pedal Study conducted by the George Institute for Global Health identified inconsistencies in traffic crash data:

All traffic crashes in the ACT, irrespective of the amount of damage or extent of injury are required to be reported to Police and can be done in person or on-line. Data on crashes is published annually by calendar year by Roads ACT. Over the combined two years 2009-2010 there were 29 reported cycle casualties admitted to hospital and 104 treated and discharged, police have no records of any cyclist-pedestrian crashes over that time.

The Pedal study identified substantially greater numbers of casualties in the six months of its operation, than were reported over the entire two years of reported crash data. This included a total of 723 cycle casualties presenting to hospitals over the six months studied. At least 35 adults were admitted to hospital and an unknown number of the 227 children (due to study criteria), there were also at least 13 cyclists injured in crashes with pedestrians.\textsuperscript{181}

6.138 The George Institute also identified that 'lack of reliable information about the actual prevalence of cycle crashes is a significant limitation to efforts to determine causes and countermeasures for cycle crashes and injuries'.\textsuperscript{182}

6.139 Whilst acknowledging the ACT requirement for all accidents to be reported, the Law Society advised that they ‘would have information about accidents that are not reported to police’. In particular:

In there it was saying that the hospital data shows that a lot of, for instance, cyclist accidents are single vehicle, whereas the police statistics show that in 94 or 98 per cent of accidents between a car and a bike the car is at fault. So you are getting different types of statistics.\textsuperscript{183}

6.140 The Australasian College of Road Safety (ACT Chapter) also identified challenges that arise if high quality data is not available:

\begin{flushright}
\textsuperscript{180} Professor Narelle Haworth, \textit{Transcript of Evidence}, 12 February 2014, p. 105.
\textsuperscript{181} The George Institute for Global Health, \textit{Submission No. 53}, p.
\textsuperscript{182} The George Institute for Global Health, \textit{Submission No. 53}, p.
\textsuperscript{183} Ms Noor Blumer, ACT Law Society, \textit{Transcript of Evidence}, 4 March 2014, p. 83.
\end{flushright}
Part of the problem that we find with injuries generally is getting enough high quality data about the actual event to make some better judgements about the impact of things like these changes. All too often, as any of us who have been to the emergency departments at the hospitals know, they do not really have a lot of time to interview you. That is why Kidsafe is looking at trying to bring in a system that is already in place in Austria, Israel and China. In our case, looking specifically at child injuries, we go in to paediatrics and interview the parents and the child to find out more about what actually happened in creating the incident.

If we take, for example, driveway run-overs, we know whether the child was hit by a car reversing or going forward. We generally know what sort of vehicle it was. We do not know whether they were running, stationary or how it actually occurred. To do something about a lot of these things we really need to understand more about the circumstances that sit behind the incident itself.\textsuperscript{184}

6.141 Mr McIntosh went on to explain that data about a ‘near miss’ may be just as valuable as data relating to accidents:

As we know in the workplace, in the same sort of situation, a near miss, for instance, is recorded in the workplace but never recorded on the road. A near miss may well be far more dangerous or far more likely to cause a significant incident than someone that actually slips over and breaks their arm. That is serious, but if you slip over and do not break your arm and do not go to hospital because of an event where someone missed you, did not see you or whatever, we do not have that data. We really need to find ways to get a better reporting of all the data and all the incidents that happen. I know the ACT has done some good work in that space. Trying to get it nationally is hard work. But it is important and it will make a difference. I think that is what our submission says: better data is always valuable.\textsuperscript{185}

6.142 Mr Chalmers also added to this point:

Especially in looking at causes of injuries and looking at how we can improve things, often it is these near misses that can tell us a lot more. If someone gets killed in a crash, we find out what sort of injuries killed them but we do not understand enough about why people got out of it, because often that can tell us things we can do. If we can transfer that on, we start to reduce the risk of serious injury. It is the serious injuries and deaths that we are really there to try and stop, not to stop people participating.\textsuperscript{186}

\textsuperscript{184} Australasian College of Road Safety (ACT Chapter), 12 February 2014, p. 92
\textsuperscript{185} Australasian College of Road Safety (ACT Chapter), 12 February 2014, p. 92.
\textsuperscript{186} Australasian College of Road Safety (ACT Chapter), 12 February 2014, p. 92.
6.143 Ms Noor Blumer, former President, ACT Law Society argued that when statutory reforms are proposed, it is important that these proposals are based on reliable and comprehensive data.

For instance, if you were going to, as the government has looked at in the past, try and reform the third-party insurance scheme for vehicles, that is something you would need to look very carefully at—who that was going to affect and in what way. My view of it, anecdotally and from our own practice, is that it would particularly badly affect those that are not income earning, vulnerable road users, those sorts of people. But it is difficult for us to make those arguments when we do not have access to the figures.  

6.144 Further to this, the ACT Law Society advised that there is accident data within the law firms which would be much the same as the data held by insurance companies. Ms Blumer stated:

...however. I have noticed there are different statistics from the police. Police keep statistics on accidents. The hospital keeps statistics on accidents. So there is a whole range of people that are keeping statistics, including, presumably, the RTA, but they are not, as far as I am aware, in a very cohesive and understandable place at the moment.

**CRASH DATABASE**

6.145 The Committee was advised that TAMS maintains the crash database:

The information from those crashes that are reported to ACT Policing are then loaded into that database. JACS has access to that database; so TAMS would use it for a range of purposes related to engineering treatments, monitoring traffic volumes and those sorts of things. As I say, JACS has access as well for the purpose of extracting data that relates to road safety information.

6.146 In response to a question from the Committee about whether the database is functioning well, Ms Greenland, Deputy Executive Director, JACS advised that:

TAMS, I think, have indicated that they had it reviewed internally a year or so ago. I understand that they are satisfied that it is working as it is intended.

6.147 The Committee notes that there is an annual report providing data about road traffic crashes in the ACT. This report is prepared and reported by TAMS and published on the JACS website.

6.148 The Introduction section of the 2012 Crash Report includes the following:

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188 Ms Noor Blumer, ACT Law Society, Transcript of Evidence, 4 March 2014, p. 83.
Roads ACT monitors the safety and operating traffic conditions in the ACT in order to identify current problems and problem areas. This involves the on-going collection, collation, analysis and reporting of traffic-related data. As part of this monitoring process, Roads ACT is responsible for the analysis of traffic crashes data obtained from the Australian Federal Police.\(^{191}\)

**COMMITTEE COMMENTS**

6.149 The Committee notes that there is some sharing of information between relevant agencies and that the crashes database is used to collate information provided by ACT Policing, JACS and TAMS. The mandatory requirement for all crashes in the ACT to be reported means that the ACT is relatively well placed to build on this information base, although the Committee notes that not all accidents are reported.

6.150 The Committee acknowledges that the collection of reliable and comprehensive data is a challenge being faced by other jurisdictions, both nationally and internationally and that there are a number of barriers affecting greater integration between different data collection and reporting systems.

6.151 Whilst acknowledging the challenges, the Committee considers that accurate and comprehensive data collections, in conjunction with appropriate processes to enable information sharing across agencies, are fundamental to the develop of relevant and evidence-based policy responses to issues affecting vulnerable road users. Accurate data is also valuable to analyse trends over time and to evaluate the effectiveness of road safety programs and initiatives.

**Recommendation 12**

6.152 The Committee recommends that an external audit be conducted on the TAMS Crash Database to evaluate its operation and functionality to ensure it is meeting the needs of all agencies who access its information.

**Recommendation 13**

6.153 The Committee recommends that the ACT Government commission a research study to analyse the accuracy of accident data collected.

\(^{191}\) Roads ACT, *2012 Road Traffic Crashes in the ACT, April 2013*, p. 4
Recommendation 14

6.154 The Committee recommends that the ACT Government conduct an awareness raising campaigns to advise the ACT community of their obligations to report all accidents, including all single and multiple vehicle accidents. The awareness raising campaign should include providing information when registration renewals are sent out.
7 CHANGES TO BETTER PROTECT AND ENCOURAGE VULNERABLE ROAD USERS

7.1 In response to Term of Reference (c), the Committee received evidence suggested further changes to better protect and encourage vulnerable road users. These initiatives are summarised in this chapter and are aligned with the Safe System approach to road safety:

- Safe people and safe behaviour;
- Safe roads and roadsides;
- Safe speeds; and
- Safe vehicles.

SAFE PEOPLE AND SAFE BEHAVIOUR

MINIMUM OVERTAKING DISTANCE

7.2 The Committee received evidence from several witnesses who advocated for a mandated minimum distance that cars must allow when overtaking cyclists.

7.3 The AGF submitted that:

A motor vehicle, travelling in the same direction, hitting a bike rider from behind is the most common crash type that results in a bike rider being killed. In these crash types, the responsibility is with the driver; bike riders have no ability to protect themselves and generally cannot take any evasive action.\(^{192}\)

7.4 From 2009 to 2012, the focus of the AGF’s *a metre matters* campaign was on education and awareness, with a number of activities and merchandise used to promote the message that when overtaking bicycle riders, drivers need to allow a minimum overtaking distance of one metre. The genesis of the campaign arose from literature reviewed during an AGF sponsored research project that identified a report from the Australian Transport Safety Bureau that found being hit from behind was the crash type that resulted in the highest number of bicycle rider fatalities.

7.5 In 2013, following the death of a cyclist who was killed by a cement truck travelling in the same direction, the focus of the *a metre matters* campaign shifted to advocating for legislative

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change to mandate a one metre minimum passing distance. The AGF is working towards making representations to all state and territory governments to promote its a metre matters campaign.\(^{193}\)

7.6 When providing further information to the Committee at a public hearing, the AGF advised:

As of Friday, Queensland has confirmed that it will implement a two-year trial requiring that drivers leave at least a metre when overtaking bicycle riders for speeds up to and including 60 kilometres an hour. For speeds over 60 kilometres an hour, the driver must leave at least a metre and a half. So the precedent, for the first time, in Australia has been set. We encourage the ACT to follow suit.\(^{194}\)

7.7 The Canberra Cycling Club and Canberra Vikings Cycling Club expressed their support for the a metre matters campaign led by the AGF.\(^{195}\)

7.8 Several witnesses to the inquiry indicated their support for the introduction and implementation of a one metre minimum passing distance of cars to cyclists.\(^{196}\)

7.9 At a public hearing on 3 December 2013, Pedal Power ACT expressed their view as follows:

The overtaking rule is, again, around the disparity in speed that is attached there and the vulnerability of road users on the road. There are some areas where we have a number of on-road cycling lanes within the ACT, so the utilisation of maintaining or staying within those cycling lanes provides that separation. And there are some unique areas. As a rule, we support the notion of seeking to enforce an overtaking distance so that motorists and cyclists recognise what the law is.\(^{197}\)

7.10 Mr Stuart Jones from the Canberra Cycling Club told the Committee:

The establishment of a metre or a minimum overtaking distance is something that we strongly support. I think in a lot of cases drivers are unsure how much room they need to give a cyclist when overtaking. As there is no ruling, that can sometimes be half a metre, sometimes two metres. So having a distance there, I think, would help.\(^{198}\)

\(^{193}\) Amy Gillett Foundation, Submission No. 42, p. 15.
\(^{194}\) Ms Tracey Gaudry, Transcript of Evidence, 2 December 2013, p. 8.
\(^{195}\) Canberra Cycling Club, Submission No. 26, pp. 1-2, Canberra Vikings Cycling Club, Submission No. 27, p.1.
\(^{196}\) Mr Russell Reid, Submission No. 19, p. 1, Mr Daniel Oakman, Submission No. 21, p. 1, Mr Cameron Jose, Submission No. 28, p. 1, Mr Geoff Farrer, Submission No. 35, p. 1, Mr Steve Crispin, Submission No. 37, p. 3, Mr Gary Rolfe, Submission No. 38, p. 3, Mr Ken Moylan, Submission No. 40, p. 3.
\(^{197}\) Mr John Armstrong, Transcript of Evidence, 3 December 2013, p. 39.
\(^{198}\) Mr Stuart Jones, Transcript of Evidence, 2 December 2013, p. 14.
7.11 Other witnesses submitted their support for a minimum overtaking distance but suggested other minimum distances, such as one and a half metres or two metres, including Ms Susan Kleven.\footnote{Ms Susan Kleven, \textit{Submission No. 36}, p. 3.}

7.12 The Committee asked the Attorney General whether the Government had a concluded view on a one metre minimum overtaking rule and was advised:

> The government does not have a concluded view, but we are conscious that there are a number of issues that need to be further considered before a decision would be taken as to whether or not to introduce such a requirement. First and foremost, the issue would be about enforceability, in terms of how, if it was a requirement for a motorist to keep clear by a metre from a cyclist, such a provision would be enforced. For example, how would it be demonstrated that the motorist was not within a metre? If they passed too close, for example, how would that be practically enforced? How would it be demonstrated in court that the motorist had breached the requirement to stay outside a metre?\footnote{Mr Simon Corbell MLA, \textit{Transcript of Evidence}, 28 April 2014, p. 193.}

7.13 Further to this, the Attorney General observed a second consideration with respect to the proposal in relation to clarifying the purpose of a minimum overtaking distance; is it designed to be a rule that is enforced ‘or is it designed to be essentially an educative measure to encourage motorists to think about giving a cyclist room when they pass them?’\footnote{Mr Simon Corbell MLA, \textit{Transcript of Evidence}, 28 April 2014, p. 193.}

7.14 Additional information was provided by JACS officials:

> Queensland has had to essentially work around that in the trial they are running. They have got a trial of this running for the one-metre rule. But they have also introduced other laws that actually allow vehicles to move onto median lanes, and these sorts of things, to actually accommodate the rule. I guess it is one of the challenges. In some places you would not have a metre where you could actually allow a metre. In those circumstances, do you have some other approach—that a vehicle might have to slow down even more to pass the cyclist? It is challenging in terms of making sure there is always the metre allowance on any given road. With some roads you would be able to do it; others would be more difficult.\footnote{Ms Karen Greenland, \textit{Transcript of Evidence}, 28 April 2014, pp. 193-194.}

7.15 The Committee heard evidence about the need for legislation to enforce a minimum overtaking distance. It was suggested that legislation would send a clear signal to all road users about the importance of allowing sufficient room when overtaking cyclists.\footnote{Amy Gillett Foundation, \textit{Submission No. 42}, p. 13.}
COMMITTEE COMMENTS

7.16 Evidence received by the Committee strongly supported the implementation of a mandated minimum overtaking distance when vehicles are passing cyclists.

7.17 The Committee also notes that the evidence highlighted that there are a number of issues that needs to be considered when considering the introduction of a minimum overtaking distance.

7.18 The Committee acknowledges that the introduction of a mandated minimum overtaking distance may require an audit of other road rules in order to take account of the required minimum distance to overtake.

Recommendation 15

7.19 The Committee recommends that the ACT Government consider amending the ACT Road Rules to mandate a minimum overtaking distance of one metre in speed zones 60km/h and below.

Recommendation 16

7.20 The Committee recommends that the ACT Government consider amending the ACT Road Rules to mandate a minimum overtaking distance of one and a half metres in speed zones above 60km/h.

Recommendation 17

7.21 The Committee recommends that, when implementing the minimum overtaking distance, the ACT Government develop a comprehensive community awareness and education strategy to inform all road users of the minimum overtaking distance requirements.

AMENDMENTS TO ROAD RULES

7.22 The Committee heard evidence recommending that changes be made to road rules to better address the needs of vulnerable road users. It was also suggested that making amendments to road rules would also increase community awareness about the issues faced by vulnerable road users.

7.23 Living Streets Canberra submitted that ACT Road Rules should be updated to better address the needs of vulnerable road users with particular reference to specific inconsistencies in the rules. For example, ACT Road Rules 236 and 253 make it an offence for a pedestrian or a bicycle rider to cause a traffic hazard by moving into the path of a driver. However, no rules
exists that makes it an offence for a driver to cause a traffic hazard by moving into the path of a pedestrian, a bicycle rider or another driver.  

7.24 Living Streets Canberra went on to suggest that the road rules should be reviewed to make them simpler and more consistent; reducing the number of rules may mean that they are better understood.  

7.25 In a supplementary submission to the Committee, Living Streets Canberra expressed concern about changes to ACT Road Rules 62, 64, 72 and 73 and the introduction of new Rule 353 as this will result in a reduction in pedestrian protection:

These Rules previously required drivers to give way to any pedestrian at or near the intersection on the road the driver is entering.”

They now require drivers to give way only to any pedestrian at or near the intersection who is crossing the road the driver is entering.” where Rule 353 specifies that “the driver is only required to give way to the pedestrian if the pedestrian’s line of travel in crossing the road is essentially perpendicular to the edges of the road the driver is entering.” [emphasis in submission]

7.26 Ms Lisa Jackson proposed a number of changes to ACT Road Rules including:

- with the exception of emergency vehicles, no vehicle is to enter into an on-road bike lane unnecessarily;
- cyclists using on-road bike lanes be allowed to cross on the green pedestrian light;
- require cyclists who use on-road bike lanes to wear a fluorescent vest; and
- greater enforcement and penalties for cyclists riding at night without lights.

DRIVER EDUCATION AND TRAINING

7.27 Several witnesses suggested that current driver testing and training does not sufficiently educate about vulnerable road users and their rights to share the road or raise awareness to look out for vulnerable road users when driving a motor vehicle.

DRIVING LICENCE TESTING

7.28 The Committee heard evidence in support of additional training and education for new drivers about their responsibilities around vulnerable road users.
7.29 The Committee received evidence from the AGF that ‘there are significant gaps in the written testing process in relation to how leaner drivers are tested about interacting with bike riders, cycling related infrastructure and their knowledge of cycling-related road rules’.\(^{209}\)

7.30 The AGF explained that advice they received from the ACT Road Transport Authority indicated that each learner licence test comprised 35 questions, generated from a test bank of 106 questions. It was not known how many questions that related to bicycle riders, cycling infrastructure or cycling-related road rules were included in the test bank. The AGF submitted that this situation is unsatisfactory and suggested that the formal theoretical testing process should be amended to ensure that at least one question is included in all tests relating to bicycle riders, cycling infrastructure or cycling-related road rules.\(^{210}\)

7.31 The Committee also received evidence in relation to the practical component of drivers licence testing. As outlined in the ACT Road Rules Handbook, practical driving ability is assessed against 22 driver competencies:

Table 5: Driver Competencies

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<tr>
<td>2. Cabin drill</td>
<td>7. Turns, left and right</td>
<td>12. Give way rules, intersections, traffic lights, roundabouts, traffic signs, road markings, pedestrian crossings, school crossings</td>
<td>17. Turning around in the road, eg three point turns</td>
<td>22. Driving on busy roads and unfamiliar roads.</td>
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<td>5. Gear changing</td>
<td>10. Stopping procedure</td>
<td>15. Reverse parallel parking</td>
<td>20. Observation skills, visual searching and scanning, hazard recognition</td>
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7.32 Mr Shane Rattenbury MLA submitted that all drivers should be required to complete training about vulnerable road users in order to obtain their provisional drivers licence. Mr Rattenbury

\(^{209}\) Amy Gillett Foundation, Submission No. 42, p. 73.

\(^{210}\) Amy Gillett Foundation, Submission No. 42, pp. 73-74.
also recommended that drivers should be required to meet 23 competencies to pass the licence test—the additional competency would relate to vulnerable road users.  

7.33 Pedal Power ACT submitted that:

Driver training and testing pay scant regard to alerting new drivers about the presence of people on bikes, their lack of protection and how best to interact with them. This ignorance increases the risk of being unable to avoid colliding with a bicyclist when confronted with a potential collision.  

7.34 The AGF submitted that the practical driving test should be expanded to add a second testing component to the existing testing of typical driving situations and the 22 driving competencies. The AGF suggested that this second component could be conducted on a closed circuit and tests skills including emergency braking, evasive actions in wet and dry conditions, controlling a sliding vehicle and night driving.  

7.35 Mr Russell Reid suggested that everyone should be required to undertake periodic knowledge tests about the road rules.

**Recommendation 18**

7.36 The Committee recommends that the theoretical component of the drivers licence test be amended to place a greater focus on the examination of the road rules and associated issues as they relate to vulnerable road users.

**Recommendation 19**

7.37 The Committee recommends that the ACT Government review the 22 driver competencies that must be fulfilled to pass the practical component of the drivers licence test and consider the addition of a competency related to vulnerable road users.

**Improvements to ACT Road Rules Handbook**

7.38 Pedal Power ACT provided a number of recommended changes to be made to the ACT Road Rules Handbook, the Heavy Vehicle Drivers’ Handbook and the Older Drivers’ Handbook to

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211 Mr Shane Rattenbury MLA, Submission No. 24, pp. 2-3.
212 Pedal Power ACT, Submission No. 14, p. 10.
213 Amy Gillett Foundation, Submission No. 42, pp. 77-78.
214 Mr Russell Reid, Submission No. 19, p. 1.
incorporate material about vulnerable road users with particular reference to the road rules that drivers should be aware of in relation to vulnerable road users.²¹⁵

7.39 Canberra Cycling Club submitted that the ACT Driver Handbook should be reviewed to include more detail and education on vulnerable road users.²¹⁶

7.40 The AGF also recommended changes to the ACT Drivers Handbook to ‘clearly state the legitimacy of bicycle riders on the road’.²¹⁷

7.41 Living Streets Canberra submitted that revisions to the ACT Road Rules Handbook may improve knowledge of the road rules as they apply to vulnerable road users. It was suggested that a complementary handbook be written primarily at vulnerable road users, rather than written primarily for drivers. Living Streets Canberra also noted results from their 2010 Canberra Pedestrian Forum Survey which found that only two in five Canberrans know the rules for giving way to pedestrians at intersections.²¹⁸

TESTING DRIVERS’ ATTITUDE

7.42 The Committee received evidence in relation to the need to test drivers’ attitude during driving testing. The AGF advised that the practical driving test ‘requires demonstrated achievement of 22 competencies in order to obtain a provisional car driver licence; however the test does not assess an applicant’s psychological preparedness to drive’.²¹⁹

7.43 On this matter, the AGF provided the following information in their submission:

The ORS [Office of Regulatory Services] advised that examiners, on occasion, are able to identify an applicant’s attitude to driving from their conversation prior to and following the practical test. For example, if someone has demonstrated a negative attitude towards bike riders during the practical test, the examiner can discuss the issues raised and address the driver’s attitude, but to fail the driving test, the applicant usually needs to breach the Learner Driver Standards. If the examiner believes that the applicant’s attitude poses a serious danger to the community, they can exercise their discretion and fail the applicant, recommending further training and evaluation prior to obtaining their licence.²²⁰

7.44 In response to a question from the Committee about the issue of psychological testing for drivers licence applicants and whether such tests have been used in other jurisdictions, the

²¹⁵ Pedal Power ACT, Submission No. 14, pp. 29-30.
²¹⁶ Canberra Cycling Club, Submission No. 26, p. 2.
²¹⁷ Amy Gillett Foundation, Submission No. 42, pp. 71-72.
²¹⁸ Living Streets Canberra, Submission No. 8, p. 5.
²¹⁹ Amy Gillett Foundation, Submission No. 42, p. 75.
²²⁰ Amy Gillett Foundation, Submission No. 42, pp. 75-76.
AGF advised that a review of the literature about drivers licensing and attitudes in Australian jurisdictions and internationally has not been undertaken. The AGF recommended that further research should be undertaken in this area because concerns had been identified by a senior driver assessor that the current testing system does not allow assessors to remark on the attitude of the person taking the test. Furthermore, ‘the driver assessor also noted that some people have expressed negative attitudes towards bicycle riders and this too was evidenced during the practical test, however if the person did not make any critical errors they would pass their licence test.’

COMMITTEE COMMENTS

7.45 The Committee notes the concerns raised by the AGF about the limited opportunity for a person’s attitude to be assessed during the drivers licence test process and that there are limited opportunities to respond in the event that a negative or inappropriate attitude is demonstrated during the practical driving test.

7.46 Whilst acknowledging that the issue raised by the senior assessor is serious, the Committee notes that they only received evidence of the reported view of one assessor, and it would be beneficial if further research was undertaken to assess the impact of attitude on the overall driving test.

Recommendation 20

7.47 The Committee recommends that the ACT Government undertake a review of attitudinal components of driver licence testing including current Australian driving tests, scientific literature and international experiences with a view to possible inclusion into ACT driving tests if appropriate.

PROVISION OF ADDITIONAL TRAINING FOR DRIVERS

7.48 The Committee heard evidence about the provision of additional training for drivers, in both the acquisition of their licence as well as ongoing driver training.

7.49 Ms Margo Saunders suggested alternative perspectives on driver training:

So I have been thinking that maybe we need to take a more functional approach to motorcycle and driver training in terms of making it clear to people why these things matter. It is like, “This is not just something I’m telling you.” But when you’re on the highway driving to the snow or when you’re going down the Clyde to the coast, there is

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221 Amy Gillett Foundation Response to Question taken on notice.
actually a functional reason that you need to know about this. So there are perhaps some opportunities there.\textsuperscript{222}

7.50 Ms Saunders also suggested that more attention should be given to gender in training and development because males and females learn in different ways, have different attitudes to risk and have different relationships with their vehicles.\textsuperscript{223}

7.51 At a public hearing on 5 March 2014, the Committee discussed the issue of regular testing of licensed drivers with Mr Paul Flint, Executive Director, COTA (ACT) who advised:

One of the questions that was asked was to do with testing of older drivers. Our approach has always been that we have tried to take an educative approach. We would not support blatantly ageist policies as far as testing goes. In the past we have recommended policies that would allow that type of testing to happen generally across the broad range of ages. If you were going to do it, you might do it every 10 years and try and upgrade skills as part of that process.\textsuperscript{224}

7.52 Mr Flint provided additional information about why regular testing may be necessary:

This is an approach to upgrade skills of drivers across the board. Ten years was picked because most research shows that, for almost 10 years, until people get to 25 or whatever, their driving skills improve, from when they get their licence. That is why that particular figure was picked.

The issue is that there are always changes going on to road rules and road conditions. As a community, do we want to continue to improve our skills or do we just allow people to think they are doing a good job? In most professions there is a requirement for professional upgrade throughout the life of your profession. The fundamental question is: is driving such a profession? Should we all be upgrading our skills as we go and should there be some sort of reasonable framework to do that? Or do we just rely on a few ads in the paper when a road rule changes or when cars develop new technology? Do you drive differently if you have a new car compared with an old car? Most people just get in a new car and drive away. The question is: is that appropriate?\textsuperscript{225}

7.53 On the question of whether there is a need for more practical driver training in the ACT, the Professor Don Aitkin, Chair, NRMA-.ACT Road Safety Trust advised the Committee that on the whole, the evidence does not support the need for more practical training. Recent research

\textsuperscript{222} Ms Margo Saunders, Transcript of Evidence, 5 March 2014, p. 154.

\textsuperscript{223} Ms Margo Saunders, Transcript of Evidence, 5 March 2014, p. 154.

\textsuperscript{224} Mr Paul Flint, Transcript of Evidence, 5 March 2014, p. 159.

\textsuperscript{225} Mr Paul Flint, Transcript of Evidence, 5 March 2014, p. 161.
has indicated that ‘it does not hurt, but there is no evidence that it has a major effect on anyone’.226

7.54 On a similar matter, when asked whether road training and preparedness for young drivers is sufficient or whether alternative approaches should be considered, Mr Clarke, ANCAP stated:

I think what I said was that you should continue to educate and continue to tell a message, but just do not expect too much, because there are a whole range of factors that go into people’s attitudes.227

**REVIEW OF PROVISIONAL AND LEARNERS DRIVERS LICENCES**

7.55 The Committee was advised that the ACT Government is currently undertaking a review in relation to learner and provisional licensing arrangements. The review includes community consultation via an on-line survey asking for comments about options that may be considered to improve road safety, as well as the challenges that might arise from any of the options, including the consideration of exemptions in some circumstances for individuals.228

7.56 The context of this review is related to the overrepresentation of drivers holding a P-plate licence. For example, the Attorney General noted that 14 per cent of drivers involved in casualty crashes in the ACT were provisional licence holders despite only representing seven per cent of all ACT licence holders.229

7.57 The Committee was advised that learner licence holders generally have a lower accident rate than provisional licence holders.230 The Attorney General provided additional data about learner licence holders and the corresponding accident figures:

- in 2013, ACT learner drivers were involved in 123 of the 7,863 reported crashes—representing 0.8% of all drivers involved in ACT crashes. Approximately 3.9% of ACT licence holder are learner drivers;
- in the same year 21 ACT learner drivers were involved in the 655 reported injury crashes—representing 1.9% of drivers that were involved in these crashes;
- an analysis of the five years 2009-2013 shows four out of 56 fatalities were learner drivers, representing 7.1% of crash fatalities.231

7.58 The Committee heard that the ACT currently does not place additional requirements on provisional licence holders as is the case in other jurisdictions. For example, restrictions such

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226 Professor Don Aitkin, *Transcript of Evidence*, 3 December 2013, p. 54.
227 Mr Nicholas Clarke, *Transcript of Evidence*, 4 March 2013, p. 129.
231 Mr Simon Corbell MLA, *Answer to Question Taken on Notice No. 2*. 

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as limiting the number of passengers a P-plate drivers can have or restricting speed limits for P-plate drivers that are in operation in New South Wales. Further to this the Committee was advised:

On the eastern seaboard certainly we stand out, I think, as the jurisdiction that has not actually applied those sorts of restrictions. In New South Wales, when these were introduced a number of years ago, they did see a significant decrease, when a suite of changes were made to P-plate conditions, in the rates of P-plate drivers who were involved in crashes. The work that has been done in New South Wales suggests that they were effective in reducing the rate of crashes of that particular cohort. ²³²

PROVING RESPONSIBILITY FOR AN ACCIDENT

7.59 The Committee heard evidence that, in the event of a road accident, it can be very difficult for vulnerable road users, in particular, cyclists to prove that responsibility for the accident rests with the driver. The Committee was advised that there are unrealistic expectations on cyclists to provide a detailed account of an event which happens very quickly and is often traumatic.

STRICT LIABILITY

7.60 The Committee heard evidence about the issue of the introduction of a strict liability scheme in the ACT as a mechanism to better protect vulnerable road users. Under a strict liability scheme, should an accident occur between road users, the liability for the accident automatically falls to the less vulnerable road user. For example, if an accident occurs between a motor vehicle and a bike, the driver of the motor vehicle is viewed as being liable for the accident.

7.61 Strict liability is underpinned by a philosophy to see the interests of vulnerable road users, like cyclists, given priority over drivers of motor vehicles.

7.62 The ACT Law Society provided the following explanation of strict liability:

Strict liability means that if a fact is established, then it will be taken to have proved the element required. Does that make sense? A strict liability situation, where it is said that a heavier vehicle is responsible for an accident, means that it speaks for itself once you establish the fact—which is the heavier vehicle and which is not. Certainly in the criminal jurisdiction, strict liability is something that we oppose, because it takes away the need for the tribunal or the court to inquire about what is going on in the mind of the person, because it is the case that the thing speaks for itself. ²³³

²³³ ACT Law Society, Transcript of Evidence, 12 February 2014, p. 78.
7.63 Several submissions supported the introduction of a strict liability scheme in the ACT.\(^{234}\)

7.64 Mr John Armstrong from Pedal Power ACT observed that ‘under a stricter liability compensation system, the burden of proof is reversed and injured pedestrians and cyclists are presumed to qualify for civil compensation’. Furthermore, it was noted that strict liability already operates in other areas of the law, including workplace health and safety and product liability.\(^{235}\)

7.65 On the position presented by Pedal Power ACT that strict liability would make motorists significantly more aware of cyclists, the Committee inquired whether it could also have the reverse effect in cyclists becoming more complacent and was advised as follows:

Yes, and that is why this is complex. The reality is that this law has been introduced in most western European countries. Admittedly, the Westminster system and their system are different, so, in law, there is a difference. It really is about seeking to, in some way, redress this notion of onus of responsibility. The reality is that it is complex and tricky. There are potential repercussions, perhaps, and there are some that argue that those potential repercussions could be there. We think, on the balance of probability, that the notion of strict liability is not necessarily a bad thing.\(^{236}\)

7.66 In addition to evidence provided in their submission and at a public hearing, Pedal Power ACT referred the Committee to a *Report on Strict Liability* published by Cycle Law Scotland. The report argues that:

There has been reluctance in the UK to change the system of liability due to a belief that motorists and cyclist should be treated as equals under the law by ensuring that both cyclist and driver are innocent of any wrongdoing until proven guilty.\(^{237}\)

7.67 Research undertaken by Cycle Law Scotland found that there are country specific variations with respect to strict liability regulations ‘that allow for individual national cultures and circumstances’. For example, the systems in Denmark and France are relatively rigid and motorists must meet an extremely high burden of proof in order to absolve themselves of financial liability in any incident with a cyclist or other vulnerable road user.

7.68 Alternatively, the system in the Netherlands is more flexible, with motorists offered more leeway in their defence, whilst the system still, broadly speaking, favours cyclists. Strict liability


has not been introduced in any state in the USA ‘and a strong car culture virtually precludes the introduction of strict liability well into the foreseeable future’. 238

7.69 The AGF provided a paper to the Committee titled *Roundtable information request regarding Driver Responsibility* that they had prepared for the Queensland Inquiry into Cycling Issues about driver responsibility. In the paper, the AGF stated:

It is of utmost importance to recognise the Westminster system which underpins the law in Australia, that is, the presumption of innocence where the burden of proof rests with the Crown or the state. The primary aim of holding drivers accountable for their action is to achieve wide behaviour change within the community, to improve self-regulated adherence to road rules and overall safer road user behaviour on our roads.239

7.70 The central focus of the paper was described by Ms Tracey Gaudry, Chief Executive Officer, as follows:

The basis of the paper is that in Australia the system too often allows a driver’s actions to be deemed as an accident. We do not believe that a collision is an accident. We believe that fatalities, serious injuries and collisions are avoidable, and the road user system and safe system are designed to make collisions avoidable.240

7.71 The AGF draws on the experiences from recent reforms in workplace health and safety in Queensland that address the shared responsibility for workplace safety by establishing statutory duties across a range of people. The AGF argues that the workplace health and safety model may be applied in the context of vulnerable road users:

Modelling a similar law for vulnerable road users would establish a duty for drivers with respect to safety of vulnerable road users. The law would also establish a duty for vulnerable road users with respect to their own safety—for example, complying with other laws such as wearing a helmet, having lights and reflectors on the bike. A failure by a road user to comply with the statutory duty would be a breach.241

7.72 Other submission supported the principle of a strict liability scheme but suggested that additional research be conducted before such a scheme is introduced in the ACT.242

7.73 Mr Walker Hawkins of Maurice Blackburn Lawyers recommended that the ACT Government should conduct a feasibility study into the impact of introducing a strict liability on vulnerable road users:

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238 Cycle Law Scotland, *Report on Strict Liability, Exhibit No. 5*, p. 3.
239 Amy Gillett Foundation, *Roundtable information request regarding Driver responsibility, Exhibit 2*, p. 3.
242 Mr Shane Rattenbury MLA, *Submission No. 24*, p. 3.
In our view, this would give greater certainty for those vulnerable road users who are injured to obtain treatment and rehabilitation and also to facilitate a change in attitude amongst other road users to one of more mutual respect and understanding. Such schemes are already operating overseas. Indeed, a report on strict liability from Cycle Law Scotland which was produced on 18 December 2012 found that the United Kingdom was only one of five countries in Europe at that time that did not operate strict liability for vulnerable road users.  

Similarly, the MRA-ACT indicated their support for the introduction of strict liability but that additional work was required to inform development of the scheme.

The aim of this would be to look at the introduction of measures aimed to protect the vulnerable road users involved in road collisions. This may address the impact of the current system and allow vulnerable road users to be compensated for injuries received and importantly would foster a better culture of road use.

When responding to questions from the Committee about strict liability, the Attorney General advised the Committee:

I am aware that in the Netherlands there is a strict liability provision in relation to crashes involving vulnerable road users. My understanding of the operation of those laws is that the fault rests with the most powerful road user, and therefore the more vulnerable road user is protected. This is not a concept that the government has given consideration to. It is not a concept that we are aware of operating in the Australian context at this time. It would clearly need to be considered in the broader context of how the criminal law operates.

In relation to the operation of a strict liability scheme in relation to civil law, rather than criminal matters, the Attorney General further advised:

Well, again, it would need to be considered in the context of how the current law operates. I am not clear how it would operate in the context of the civil law, given that we are talking about a matter that would otherwise be prosecuted with a criminal offence.

The Canberra Vikings Cycling Club also indicated support for greater protection for vulnerable road users:

Again, I would refer you back to the idea of a legislative signal to drivers, which means, in my mind, a law that says if you run over a cyclist, you need to demonstrate that you

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244 Motorcycle Riders Association of the ACT, *Submission No. 15*, p. 15.
did not do the wrong thing. That changes the perception of the law. It changes the onus of proof currently in the law, and it moves it on to the less vulnerable road user. It recognises that the more vulnerable road users are at risk and perhaps are less able to deal with the consequences that result afterwards. It is hard to turn up and argue the facts when you have been run over, as we have seen a number of times in the ACT. I think there needs to be a legislative signal to drivers that they must recognise cyclists and they must recognise their position as a powerful and potentially dangerous road user.\(^{247}\)

7.78 The ACT Law Society indicated their support for submissions to the inquiry, in particular from Maurice Blackburn Lawyers and the Motorcycle Riders’ Association of the ACT, that a feasibility study should be carried out before any changes to introduce a strict liability scheme in the ACT and would view such further analysis ‘as a prudent and sensible preliminary step prior to any legislative change’.\(^{248}\)

**Strict Liability and the No-Fault Scheme**

7.79 The Committee inquired about the way that strict liability may work with the no fault scheme provided for under the *Lifetime Care and Support (Catastrophic Injuries) Bill 2014* and Mr Hawkins provided the following information:

The no-fault scheme, as I understand it on the reading of the particular bill which also came out on the 25th, is dealing with catastrophic injuries and the system we will have is essentially the New South Wales system. So it will be dealing only with catastrophic injuries. There will be all those other accidents that will not fit within the definition of a catastrophic injury, and usually a catastrophic injury will be something in relation to brain injury or other serious-type injury. Also, my understanding of the New South Wales scheme, it being a no-fault scheme for catastrophic injury, is that initially it has a two-year period where people go into that scheme and then the situation can be reviewed. So it is not necessarily a lifetime care scheme for all persons who initially fall within the scheme.\(^{249}\)

7.80 On this matter, the Attorney General advised the Committee that he is not aware of any implications to the way the compulsory third party system will work in relation to a cyclist or pedestrian who is injured in relation to the catastrophic injury provisions.\(^{250}\)


\(^{248}\) ACT Law Society, *Submission No. 22a*, p. 5.


\(^{250}\) Mr Simon Corbell MLA, *Transcript of Evidence*, 28 April 2014, p. 182.
CASCADING REBUTTAL SYSTEM

7.81 When discussing strict liability with the Committee, the ACT Law Society suggested that an alternative approach is ‘something more in the line of a cascading rebuttable presumption’:

It then still allows the circumstances to be individually examined by the tribunal or whoever is making the decision. Whilst the starting point is that the car is responsible over the cyclist, if there are particular circumstances in that individual case that should be taken into account it means that that initial presumption can be rebutted. So there is still that element of fairness, depending on the facts of the case and the way the matter is presented and heard.

In terms of the cascading rebuttable presumption, then maybe there is somewhere that you can draw the line. It could be the situation, if there is an accident between a truck and a car for example, the initial presumption is that the truck is responsible. If there is an accident between a car and a bike, the car would be responsible. But because it is rebuttable, if evidence can be produced by the other party that establishes that there were particular circumstances that contributed, then that presumption could be rebutted.251

OPERATION OF A REBUTTABLE PRESUMPTION

7.82 The ACT Law Society provided the following additional information:

The operation of a rebuttable presumption would work upon a similar premise to that of strict liability so that in any incident involving a vulnerable road user, the other party would be presumed to be at fault. However, this presumption would be able to be rebutted on evidence. This would effectively reverse the onus of proof and require the other party to the incident involving a vulnerable road user to prove that they were not at fault or that there was contributory negligence.

The operation of this form of liability is less strict than pure strict liability. The application of a rebuttable presumption allows consideration of the facts of the individual case to be taken into account where necessary.252

7.83 Furthermore:

A cascading rebuttable presumption would create a hierarchy of responsibility whereby motor vehicle drivers would be presumed liable for any loss, injury and damage caused to a cyclist or pedestrian involved in a collision. Similarly, a cyclist would be presumed liable for loss injury and damage caused to a pedestrian in any collision at civil law. The presumption of liability would remain subject to a rebuttable presumption and so still

251 ACT Law Society, Transcript of Evidence, 12 February 2014, p. 78.
252 ACT Law Society, Submission No. 22a, p. 4.
allow a driver to allege fault on the part of the injured cyclist or pedestrian. The same would apply to cyclists involved in collisions with pedestrians.  

7.84 It is important to also recognise that the issue of strict liability or cascading rebuttable presumption was only raised in the context of the civil jurisdiction. The Society does not support any introduction of strict liability into the criminal jurisdiction.

7.85 The fundamental distinction between a pure strict liability scheme and cascading rebuttable presumption is that it allows for consideration of the facts of an individual case to be taken into account when necessary and for the defendant to be able to show they were not liable.

7.86 The Attorney General advised the Committee that the Government ‘has not given consideration to that proposal at this time’.  

COMMITTEE COMMENTS

7.87 The Committee notes the evidence it received on the matter of strict liability and reversing the onus of proof through a rebuttable presumption that the driver is at fault, and the possible introduction of such a scheme in the ACT.

7.88 The Committee is aware that strict liability has been in operation in a number of international jurisdictions and that this issue was considered as part of the recent Queensland parliamentary inquiry into cycling issues.

7.89 Whilst the Committee sees merit in the principles of a strict liability scheme in the ACT, the Committee supports the position of witnesses who recommended that additional consideration and consultation should be undertaken to ensure that the potential impact of the introduction of strict liability is well researched and understood. The Committee considers it appropriate that consultation on this matter takes into account the views raised in this inquiry.

Recommendation 21

7.90 The Committee recommends that the ACT Government examine the introduction of a strict liability scheme in the ACT. This examination should assess the impact of the scheme and include an analysis of alternative approaches, such as cascading rebuttable presumption.

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253 ACT Law Society, Submission No. 22a, p. 5.
Recommendation 22

7.91 The Committee recommends that the ACT Government present the outcomes from its examination of the introduction of a strict liability scheme in the ACT to the Legislative Assembly by March 2015.

SAFE SPEEDS

7.92 As outlined in the *Road Safety Action Plan 2011-13*:

In line with safe system principles, reduced speed limits should be considered in areas with high potential for conflict with vulnerable road users such as pedestrians and bicyclists.\(^{255}\)

7.93 Evidence provided to the Committee also recognised the safety benefits that would result from a reduction in speed limits, particularly in areas regularly utilised by vulnerable road users.

7.94 Mr Geoff Farrer submitted:

The impact on the reduction in speed on the likely outcomes for incidents between vehicles and vulnerable users is well documented and is becoming more accepted by the community. The community now accepts that the speed limit in suburban streets is 50 km/h yet only a few years ago this was seen as a major impingement on vehicle amenity.\(^{256}\)

7.95 Further to this, Mr Farrar suggested that speed limits should be reduced further to 40km/h especially in high use pedestrian cycle areas.

7.96 CARRS-Q submitted that under the Vision Zero philosophy (on which the Safe System approach is based) vulnerable road users should not be exposed to motorised vehicles at speeds exceeding 30km/h. In an ideal scenario, cyclists and pedestrians are physically separated from motorised traffic when the speed exceeds 30km/h. If physical separation is not present, the speed limit should be reduced to 30km/h.\(^{257}\)

7.97 Drawing on the case provided by the European Federation of Road Traffic Victims, Associate Professor Paul Tranter summarised the main arguments for 30km/h speed limits in his submission to the Committee:


\(^{256}\) Mr Geoff Farrar, *Submission No. 35*, p. 2.

\(^{257}\) Centre for Accident Research and Road Safety—Queensland, *Submission No. 5*, p.3.
roads are significantly safer—drivers are more likely to notice hazards and stop before hitting pedestrians or other road users. Fear of traffic danger is reduced which increases the levels of walking, cycling and public transport;

- greater social connection—people living in areas with low volumes of motorised traffic experience much high levels of interaction and friendliness with their neighbours;

- more cycling and walking—slowing speed limits from 50km/h to 30km/h contributes to increasing cycling and walking by up to 12%;

- less pollution—30km/h zones lead to less fuel use and greenhouse gas emissions, and reduced air and noise pollution as drivers changed gears and used brakes less often and traffic noise is reduced by 3 decibels;

- less congestion—lower road traffic danger encourages a switch from cars to active modes of transport;

- increased freedom for children and reduced time pressure for parents—when streets are seen as being safer for children, parents are more likely to allow them to walk and cycle to school and other places;

- wider health benefits—fewer road victims frees up facilities for other health needs. Active travel cuts obesity and heart disease; and

- less of a city’s income required to provide transport—cities where cars dominate the transport system spend more of their income on transport than cities where walking, cycling and public transport are major modes of travel.\(^{258}\)

7.98 The Committee heard evidence from the Heart Foundation (ACT) in relation to the need for lower speed limits in urban and residential areas as this ‘will improve pedestrian and cyclist safety and community liveability, and is likely to contribute to increased rates of walking and cycling for transport’. The following definition of ‘safe speeds’ was also submitted:

'Safe speed' is often conceptualised in terms of vehicle speeds that minimise the risk of injury, but in the light of the multiple benefits of active transport, it may be more appropriate to think of 'safe speed' as that which delivers injury prevention outcomes as well as many additional health and social benefits.\(^{259}\)

7.99 In their submission, the Heart Foundation (ACT) referred to advice from the World Health Organisation that human tolerance to injury by a car is exceeded if the vehicle is travelling at more than 30km/h. It was also noted that almost a quarter of casualties on the ACT roads involved people on foot and on bicycles with three killed and 101 injured in 2008.\(^{260}\)

7.100 In their submission, the AGF included a resolution from the Australian College of Road Safety:

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\(^{258}\) Associate Professor Paul Tranter, Submission No. 25, pp. 4-6.

\(^{259}\) Heart Foundation (ACT Division), Submission No. 39, p. 9.

\(^{260}\) Heart Foundation (ACT Division), Submission No. 39, p. 7.
- Speed limits should be adjusted to take into account areas of high pedestrian activity and in some situations be as low as 30 km/h for all vehicles. A more rational and location-specific system of speed limits is required, based on threshold of injury.
- Where collisions between pedestrians and bike riders are foreseeable, travel speeds of 10km/h are considered necessary. If this cannot be achieved, the environment should contain design elements that reduce speeds to low collision-risk levels.  

7.101 The Committee also heard evidence that speed limits should be reduced on roads that are regularly utilised by vulnerable road users such as cyclists and motorcyclists. For example, the Canberra Cycling Club suggested that initiatives such as variable speed signs on rural roads during periods of high usage (such as weekends) would assist to help protect cyclists riding on the rural roads.

**COMMITTEE COMMENTS**

7.102 The Committee notes that speed is a major contributing factor to serious injuries and deaths on the road and acknowledges evidence provided to the inquiry that if a vulnerable road user is hit by a motor vehicle at a lower speed, the risk of serious injury and death is considerably reduced.

7.103 In this context, the Committee is of the view that consideration should be given to reducing the speed limits in priority areas that are heavily utilised by vulnerable road users. One possibility may be to trial 30km/h speed zones in school and certain residential areas.

7.104 The Committee notes that speed limits are applied to different areas based on a range of factors such as the particular road and traffic conditions, environmental impacts and consideration of pedestrians and cyclists. The Committee notes the central contention of an Austroads (the association of Australian and New Zealand road transport and traffic authorities) publication that ‘speed management should be based on a rational hierarchy of speed zones to reflect different road and traffic conditions in a reasonable and consistent fashion’.

7.105 The Committee is of the view that it may be beneficial for a broader review of the speed limit hierarchy in the ACT to be conducted.

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261 Amy Gillett Foundation, Submission No. 42, p. 87.
262 Canberra Cycling Club, Submission No. 26, p. 1, Mr Bruce Paine, Submission No. 54, p. 1.
263 Austroads, Urban Speed Management in Australia, p. 23.
Recommendation 23

7.106 The Committee recommends that the ACT Government consider implementing a trial of lower speed limits in school zones and, residential areas with high level of pedestrian and cycling activity in close proximity to shared paths.

Recommendation 24

7.107 The Committee recommends that the ACT Government conduct a review of the speed limit hierarchy across all roads in the ACT.

SAFE ROADS AND ROADSIDES

ROAD DESIGN

7.108 The Committee received evidence from the Motorcycle Riders Association of the ACT about barriers and road furniture. The MRA-ACT submitted:

Many riders fear the barriers currently in use around the ACT. All barriers must installed in accordance with the guidelines, and be treated to reduce potential negative outcomes for motorcycle riders if impact occurs during a crash.\(^{264}\)

7.109 In addition, the MRA-ACT provided information about stack cushions:

Stack Cushion is an add-on protection to wire rope safety barrier posts. The Stack Cushion contains no aggressive edges and can be retro-fitted to existing installations. Its internal dimensions ensure that it suitable for use with a number of different wire rope safety barrier systems. Made from polypropylene, Stack Cushion provides a softer impact for motorcycle riders in the unfortunate event of an impact.\(^{265}\)

7.110 Maurice Blackburn Lawyers submitted that roadside barriers must have the best design so as to minimise injury to both motorcyclists and other road users. In particular:

Maurice Blackburn recommends that Wire Road Barriers be installed in line with best practice and be ‘motorcycle friendly’. W-Beam Barriers must have under-run rails as standard and be retrofitted to existing barriers as part of [a] general maintenance program.

\(^{264}\) Motorcycle Riders Association of the ACT, Submission No. 15, p. 7.

\(^{265}\) Motorcycle Riders Association of the ACT, Submission No. 15, p. 8.
Signage including poles and posts must be frangible and self-healing. There should be no poles or signs within 1.5 m of road edge and existing poles or signs within 1.5 m be relocated as part of maintenance. Unnecessary signage should be removed to reduce hazards and distractions.  

7.111 In their submission to the inquiry, NRMA Motoring & Services observed that crash barriers now being used in countries such as Spain and the UK have been designed to reduce the risk for any motorcyclist colliding with the barrier.

One such example of a treatment that can be retro-fitted to existing guardrail...mounted below the standard guardrail. It has been designed to allow motorcyclists to slide along the barrier without hitting the potentially lethal support posts.  

7.112 The Committee inquired about the role that JACS has with respect to terminals or wire rope barriers for motorcyclists and was advised by the Attorney General as follows:

This is a matter which is raised regularly by advocacy groups, particularly motorcycle advocacy groups, in relation to broader road safety considerations. Justice and Community Safety and Territory and Municipal Services collaborate closely on these matters. There is a range of views about the desirability of different roadside barriers when it comes to safety, particularly for motorcyclists. I am advised that there are proposals from New South Wales to trial what are called motorcycle-friendly barriers on the Kings Highway this year. The government is going to be watching that trial very closely to inform our decision-making about how we should approach the deployment of roadside barriers on ACT roads.  

7.113 With particular reference to wire rope barriers, the Attorney General went on to advise:

The challenge is that there is a range of different safety considerations. Wire rope barriers are more forgiving than the traditional concrete barriers in terms of dissipating energy and reducing the impact on the motor vehicle, so they are beneficial for motor vehicles. But they do raise concerns and potential problems for motorcyclists. The government has not favoured one over the other. An assessment is made on a case-by-case basis, largely by TAMS, as to what particular type of barrier is suitable in what particular location. We remain aware of the concerns of the motorcyclists and their advocacy groups, and we remain open to looking at either changes to existing practice or new practice if it has proven successful in other places to address these concerns.  

266 Maurice Blackburn Lawyers, Submission No. 16, p. 13.
267 NRMA Motoring & Services, Submission No. 17, p. 2.
268 Mr Simon Corbell MLA, Transcript of Evidence, 28 April 2014, p. 191.
269 Mr Simon Corbell MLA, Transcript of Evidence, 28 April 2014, p. 191.
Separation of Vulnerable Road Users from Motor Vehicles

7.114 Several witnesses provided evidence about the need for greater separation between vulnerable road users and motor vehicles.\textsuperscript{270}

7.115 Mr Martin Miller submitted:

The most important recommendation for this committee is to physically separate cyclists on 'high speed high volume roads' as is the case in all European countries with high cycling rates. This will either be by installing cycle tracks on arterial roads and busy streets, wide bidirectional cycle paths along parkways and free-ways where they are most needed.\textsuperscript{271}

7.116 Ms Gillian King submitted that, in order to reduce vulnerability for road users, ‘it is vital to reduce the changes of people using active transport interacting directly with motor vehicles’. This should be done by keeping active transport users and motor vehicle users separated wherever possible through suitable infrastructure and appropriate behaviour by road users, especially by motorists.\textsuperscript{272}

7.117 Whilst it was noted that greater separation may lead to increased safety for cyclists, some submissions cautioned that more separation may reinforce the views of some motorists that cyclists are not legitimate road users.\textsuperscript{273}

7.118 The Committee notes that the Minister for Territory and Municipal Services announced in April 2014 that the ACT Government will trial a range of devices over the next 12 months aimed at improving the safety for cyclists by providing defined separation from traffic. Until April 2015 there will be four new devices (rubber kerbing, riley kerbing, additional reflectors and rumble strips) will be trialled at six locations across Canberra.\textsuperscript{274}

7.119 The Committee inquired about this trial at a public hearing on 30 April 2014 and was advised by Mr Tony Gill, Roads ACT, that over the next 12 months, Roads ACT will approach Pedal Power ACT and other cycling groups to ascertain whether ‘they feel the new arrangements are effective from their point of view or not’. The evaluation will assess ‘basically whether people perceive it is safer by using this facility, whether it provides a level of separation’.\textsuperscript{275}

\textsuperscript{270} Ms Stacie Hall, Submission No. 33, p. 5, Taras and Teon Harasymiv, Submission No. 34, p.2.
\textsuperscript{271} Mr Martin Miller, Submission No. 45, p. 12.
\textsuperscript{272} Ms Gillian King, Submission No. 46, p. 1.
\textsuperscript{273} Associate Professor Paul Tranter, Submission No. 25, p. 3, Ms Susan Kleven, Submission No. 36, p. 2, Mr Simon Nally, Submission No. 49, p.2.
\textsuperscript{274} Mr Shane Rattenbury MLA, Media release, You gotta keep ‘em separated, 17 April 2014, p. 1.
\textsuperscript{275} Mr Tony Gill, Transcript of Evidence, 30 April 2014, pp. 205-206.
Recommendation 25

7.120 The Committee recommends that the Minister for Territory and Municipal Services conduct an evaluation of the trial announced in April 2014 to provide defined separation between cyclists and other traffic. The results of the evaluation should be provided to the Legislative Assembly within three months of completion.

Motorcycle Lane Filtering

7.121 Motorcycle lane filtering is when a motorcycle rider moves past stationary or slow moving vehicles in the same lane between stopped or slow-moving cars. With the exception of New South Wales, lane filtering is illegal in all states and territories in Australia. Forward-stop boxes are often used in conjunction with lane filtering to provide an area at signalised intersections to allow a head start for certain types of vehicles (usually motorcyclists or cyclists).

7.122 When providing evidence at a public hearing on 12 February 2014, the MRA-ACT expressed their support for the ACT Government to implement a trial of lane filtering in the city. Furthermore, the Committee was advised:

We distinguish between filtering, which is moving past or between stationary or low-speed traffic, and splitting, which is at higher speeds. So we do not condone splitting at all and we do not encourage that. It is the belief of MRA ACT that such filtering, when carried out properly, offers significant safety benefits for riders as well as benefits for all users by producing more effective use of road space. Any filtering trial should come with appropriate advertising aimed at all road users. For example, a specific, shared-road campaign and appropriate filtering techniques should be included in rider training. We also would then support the establishment of forward stop-boxes at lights should the filtering trial be successful and go ahead.276

7.123 Maurice Blackburn Lawyers supported the introduction of motorcycle filtering. In their submission to the inquiry, it was noted that filtering is practiced by riders all over the world and most notably in the United Kingdom and California. The risk of injury faced by motorcyclists was explained as follows:

The most likely collision a rider faces in heavy traffic is from the rear. The potential for a rider to be hit from behind (and consequently injured) is not trivial.

Figures from the Queensland Annual Road Traffic Crash Reports show that rear end collisions are relatively prevalent. Another risk faced by motorcyclists comes from being merged into by a lane changing vehicle. Many drivers looking for a lane change opportunity make only a quick head check or only use their side mirror before

commencing a lane change and thus merge directly into the space occupied by the rider. A collision is imminent unless evasive action is taken or the merge is aborted by the driver.\textsuperscript{277}

7.124 Further to this, the Committee was advised that the direct safety benefits of filtering are the avoidance of rear-end and side-swipe collisions as well as an increased awareness by drivers of motorcyclists as they would be more visible. It was also suggested that motorbike filtering will assist traffic flow.\textsuperscript{278}

7.125 The Committee inquired about the potential impact of motorists feeling frustrated about motorcyclists going past them while they are stationary and heard that the introduction of this initiative must also include an extensive education campaign to reiterate the message that the road is for all road users to share.\textsuperscript{279}

7.126 The Committee notes the February 2014 announcement by the then New South Wales Minister for Roads and Ports, Mr Duncan Gay MP, that, following a successful trial in the Sydney CBD in 2013, new rules will be introduced to permit fully licensed motorcyclists to legally filter past stationary vehicles at intersections when it is safe to do so. Under the new rules, riders will be able to filter at a speed limit of 30km/h with a new offence being introduced for riders who filter over the speed limit of 30km/h (i.e. lane splitting). Filtering will not be permitted in school zones during hours of operation.\textsuperscript{280}

7.127 The Committee is aware that the trial of motorcycle filtering was undertaken within a defined area in Sydney CBD over an eight week period from 1 March to 30 April 2014. The summary of findings from the filtering trial in New South Wales reported that ‘lane filtering was a relatively low risk riding activity for motorcyclists under the conditions of the trial’.\textsuperscript{281}

7.128 However, the summary of trial findings also reported that the safety risks posed by lane filtering were highest for pedestrians than compared to any other road user group. This was because motorcyclists who lane filtered were found to have crossed the stop line at intersections and therefore intruded into pedestrian crossing space. The following information was also reported:

The observed risks to pedestrian safety were supported by the survey findings, with all road users (including motorcyclists) identifying pedestrians to be at greatest risk from lane filtering. Concerns related to a perceived lack of familiarity with lane filtering, motorcyclists not giving way to pedestrians, and a lack of predictability of motorcyclists

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\textsuperscript{277} Maurice Blackburn Lawyers, Submission No. 16, pp. 13-14.
\textsuperscript{278} Maurice Blackburn Lawyers, Submission No. 16, p. 14.
\textsuperscript{279} Mr Walter Hawkins, Transcript of Evidence, 5 March 2014, p. 167.
\textsuperscript{281} Transport for NSW, Motorcycle Lane Filtering, Summary of Trial Findings, April 2014, p. 5.
movements when lane filtering (where a pedestrian that crosses between stopped traffic, mid-block, might not think to look for a motorcycle moving through the lanes of traffic). 282

7.129 In order to mitigate these risks to pedestrians:

A way to manage lane filtering risks to pedestrians would be to set a limit to the speed that lane filtering occurs, which mitigates the risk of a crash and also the severity of injury should one occur and would provide a high level of safety for pedestrians. A 30km/h speed restriction for lane filtering would be 10km/h below the 40km/h speed limit for high pedestrian areas in NSW. Another way to manage this risk is to not permit filtering in the kerbside lane or near parked vehicles. 283

COMMITTEE COMMENTS

7.130 The Committee notes the evidence presented in support of the implementation of a trial of motorcycle lane filtering and the associated safety benefits for motorcyclists.

7.131 The Committee notes the new rules introduced in February 2014 in New South Wales to permit fully licensed motorcyclists to legally filter past stationary vehicles at intersections when it is safe to do so.

7.132 The Committee is of the view that a trial of motorcycle lane filtering in Civic should be undertaken. It is suggested that the trial should be conducted over a minimum three month period and independently monitored and evaluated. The trial should consider the findings from the NSW trial, in particular the suggested measures relating to mitigating risks to pedestrians.

Recommendation 26

7.133 The Committee recommends that the ACT Government conduct a trial of motorcycle lane filtering and forward-stop boxes in Civic by March 2015. The trial should be independently monitored and evaluated and the results of the trial should be publicly available.

SAFE VEHICLES

7.134 The Committee was interested to hear evidence from ANCAP in relation to the motor vehicle crash testing conducted by their organisation:

282 Transport for NSW, Motorcycle Lane Filtering, Summary of Trial Findings, April 2014, p. 5.
283 Transport for NSW, Motorcycle Lane Filtering, Summary of Trial Findings, April 2014, p. 6.
Our role is to test new cars and to put them through a range of very difficult and demanding physical tests. We do a number of those tests—front-on tests, side tests, side-pole tests, pedestrian tests, whiplash tests and a whole range of assessments—to form a star rating for the safety of the car. Initially those star ratings were based essentially on the physical tests, but over time, with vehicle structures improving, we are turning to technology to make assessments on which cars are safer.  

7.135 An important part of vehicle testing conducted by ANCAP is testing how pedestrian friendly the front of a vehicle might be. The Committee was advised that:

Over time, we have found that vehicle design has gone a long way to lowering the risk to pedestrians should they be hit by a car. This is all about the design of the bonnet area and removing stiff components from underneath. I am sure you are aware of those sorts of things.

7.136 Further to this, the Committee was advised that it is expected that there will be significant advances in motor vehicle technology over the next 10 years.

HELMETS

7.137 The Committee received evidence from the Cyclists Rights Action Group who were concerned about the mandatory requirement for cyclists to wear helmets. The Cyclists’ Rights Action Group submitted that there is not a strong evidence base of the protective value of helmets. In fact, some studies have shown that falling over with a helmet on increases the risk of some injuries.

7.138 The Cyclists’ Rights Action Group provided further information at a public hearing on 2 December 2013 when they explained to the Committee that the compulsory requirement to wear helmets has discouraged cycling. The Committee was advised that in the ACT, cycling on bike paths in the first year of the law fell by a third on weekdays and halved at weekends.

7.139 Further to this, the Committee was advised that research commissioned as part of a federal parliamentary committee inquiry in 1987 found that the increased weight of both motorcycle and bicycle helmets increased oblique rotation upon impact. The Committee was further advised that additional studies were conducted in the USA in 2003 and the UK in 2007 which made similar findings.

284 Mr Nicholas Clarke, Transcript of Evidence, 4 March 2014, p. 123.
285 Mr Nicholas Clarke, Transcript of Evidence, 4 March 2014, p. 123.
286 Cyclists Rights Action Group, Submission No. 47, pp. 1-2.
287 Mr Bill Curnow, Transcript of Evidence, 2 December 2013, p. 25.
288 Mr Bill Curnow, Transcript of Evidence, 2 December 2013, pp. 27-28.
7.140 The Committee inquired about whether any jurisdictions have reversed a decision relating to compulsory helmets and was advised that Spain and Israel have reversed the decision and the Northern Territory has removed the requirement to wear helmets for adults using cycle paths.  

7.141 Throughout the inquiry, the Committee was interested to hear the views of other witnesses on whether there should be any changes to the mandatory requirement for cyclists to wear helmets.

7.142 The AGF indicated their support for cyclists wearing helmets—‘So the single thing we can do for bike riders is help them actually to keep the helmet on their head whilst we are improving the environment around them’.  

7.143 Pedal Power ACT advised the Committee that their organisation supports the use of bicycle helmets and the current laws as they stand. Mr John Armstrong, Executive Officer, recognised that a relaxation of compulsory requirement to wear a helmet may increase the number of people riding bikes but also recognised the safety benefits of wearing a helmet.  

7.144 The Committee heard evidence from Mr Martin Miller on this issue who advised that ‘there is evidence that a cycle helmet can reduce your risk of injury by at least 20 to 30 per cent, on the literature that I have read’. Mr Miller noted that the risk involved in not wearing a helmet will differ depending on the situation. For example, riding on a cycle path on an upright bike is quite safe as compared to mountain biking or cycling on the road or racing.  

7.145 CARRS-Q advised the Committee about analysis they had undertaken on Queensland police-reported crashes, predominately between cars and cyclists.

We looked at whether head injury was reported or not, whether there was head injury and whether a helmet was worn. The results of our analyses from Queensland data showed very similar results to most of the published data on helmet effectiveness—that we get about a 60 per cent reduction in the risk of head injury with bicycle helmet wearing. That is for on-road crashes involving cars. A lot of the previous research had shown similar figures for off-road crashes as well.  

7.146 Professor Haworth went on to say:

Our view is that whatever we can do to increase the protection that we are giving to people’s heads, as well as other programs in terms of improving infrastructure and  

289 Mr Bill Curnow, Transcript of Evidence, 2 December 2013, p. 29.  
290 Ms Tracey Gaudry, Transcript of Evidence, 2 December 2013, pp. 9-10.  
291 Mr John Armstrong, Transcript of Evidence, 3 December 2013, p. 37.  
292 Mr Martin Miller, Transcript of Evidence, 3 December 2013, p. 60.  
293 Professor Narelle Haworth, Transcript of Evidence, 12 February 2014, p. 106.
everything, we are in some way supporting an increase in cycling by improving infrastructure. But we really need to keep the helmet laws because we are not going to solve all of our infrastructure problems and make cycling safe tomorrow.  

**COMMITTEE COMMENTS**

7.147 The Committee notes the views presented to the inquiry about the compulsory requirement for cyclists to wear helmets.

7.148 Following consideration of the evidence provided to the inquiry, the Committee is of the view that the current mandatory requirement for all cyclists to wear helmets when riding should not be changed.

**PROTECTIVE CLOTHING**

7.149 The Committee received evidence about the importance of motorcyclists wearing adequate protective clothing when riding.

7.150 The matter of protective clothing was raised by the MRA-ACT who recommended that protective clothing should be actively encouraged but not mandated. As part of learner driver training, they should receive the *ACT Motorcycle Handbook* and *The Good Gear Guide for Motorcycle and Scooter Riders* to reinforce the need for appropriate clothing.  

7.151 NRMA Motoring & Services submitted that:

> Research shows that in most cases injuries can be avoided or less severe if motorcycle protective clothing is worn, especially when involved in low-impact crashes. However, there is no reliable and independent information available to Australian riders on the benefits or features offered by specific protective clothing. Of particular concern is the low take-up of high visibility clothing by motorcycle riders, as is strongly encouraged for cyclists.

**COMMITTEE COMMENTS**

7.152 The Committee notes that wearing appropriate clothing is an important way that motorcyclists can protect themselves against both minor and serious injury.

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Recommendation 27

7.153 The Committee recommends that the ACT Government conduct a targeted education campaign to promote the safety benefits of wearing motorcycle protective clothing.
8 OTHER MATTERS

8.1 In response to Term of Reference (d), several other issues arose during the inquiry which are discussed in this section including:

- technological advances to increase safety of vulnerable road users;
- motorised scooters; and
- Segways.

TECHNOLOGICAL ADVANCES TO INCREASE SAFETY OF VULNERABLE ROAD USERS

8.2 The Committee notes comments by ANCAP at a public hearing on 4 March 2014:

Moving to technology, the future of safety for motorists of any kind will come through technology. For cars, pedestrians, motorcyclists, cyclists and the whole suite—bus drivers, truck drivers—it will all be very much dependent on technology. We are already seeing today increasing levels of technology that will prevent a car from crashing. There are things like lane keeping with active assist, which will stop the vehicle leaving the main driving lane if you fall asleep: it will steer the car back into the lane. Autonomous emergency braking will stop a car automatically if it sees an obstruction in front and the driver is not aware of that obstruction, or drifts off to sleep or whatever: when you get closer to that obstruction the car will act autonomously and brake the car. At lower speeds it will not hit the obstacle in front; at higher speeds it will mitigate the risk of impact so that you might have a lower speed crash and a survivable crash...

Longer term, a lot of the problems that are apparent today with vulnerable road users will be largely solved by technology, but that is not going to happen any time soon. It will probably be another 10 or 20 years before we see considerable penetration of that sort of technology in the market. 297

8.3 On the issue that it will be some time before much of the technology being developed now will be in-built in most cars, the Committee sought information about the current status of the technological advancements. The Committee was advised:

I think the most important one happening right now is autonomous emergency braking, which can be a mix of radar, lidar and video. It projects forward of the car and

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297 Mr Nicholas Clarke, Transcript of Evidence, 4 March 2014, pp. 123-124.
sees obstacles in front of the car, including pedestrians, cyclists, cars and other obstructions. It will calculate the speed of your car and then the speed and the distance between you and the next car. As the risk of a collision increases, the car does the calculation, and if there is enough time it will dab on the breaks or shake the steering wheel or somehow alert the driver that you need to take action. If the driver does not take action, it will hit the brakes at maximum force, and of course when you do that, all the new systems take over and give you maximum breaking.

8.4 In terms of a timeframe for when this technology will be available, the Committee heard that ‘most of the major manufacturers have said they will have pretty well full-autonomous vehicles available for the market in 2020 or the next few years afterwards. That would be the big start of this technology really taking over’. 298

**MOTORISED SCOOTERS**

8.5 The Committee was interested to hear evidence from COTA (ACT) in relation to mobility scooter safety. Mr Paul Flint, Chief Executive Officer, observed that it is a major concern that there is not an appropriate policy framework in place for mobility scooters. Due to the fact that there is no separate category for them, mobility scooters are technically treated as pedestrians.

8.6 Furthermore, Mr Flint observed:

This leads to a lot of uncertainty about what the road rules are in relation to them and what is appropriate, and makes any educative effort in relation to scooters very difficult. In summary, we would see a major issue with scooters being the policy framework. 299

8.7 In response to a question about how mobility scooters may interact with other traffic such as cyclists and pedestrians, Mr Flint observed:

As far as interactions with other groups go, there are other older people that are pedestrians that make those comments that I mentioned before—hearing them coming, the differential speeds. They are concerned. The only specific laws in Australia that relate to mobility scooters are the ones in Queensland, as far as I know. They were actually generated because other older people were concerned about the insurance implications of being run over by a scooter. So it is a dual issue. 300

8.8 Mr Flint also made the following additional observations:

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298 Mr Nicholas Clarke, *Transcript of Evidence*, 4 March 2014, p. 126.
299 Mr Paul Flint, *Transcript of Evidence*, 5 March 2014, p. 158.
300 Mr Paul Flint, *Transcript of Evidence*, 5 March 2014, p. 159.
There are lots of ways that we could better manage the environment from a road safety perspective if we treated them as a class of their own and if we then could set the appropriate rules. But it is very hard to have a strong educative campaign. For example, if I asked you on which side of the road should a mobility scooter go on a domestic road, what would you tell me?

That is right, but as soon as that happens, there is a public outcry about it. I know of cases where the police have been rung. There is a lot of confusion within the community about how we treat them because there is recognition that they are not pedestrians. Under the common use, they are not actually a mobility aid as technically defined for most people, because they go out and buy one. So there is a whole state of confusion about them and their appropriate use.

**RELEVANT SECTIONS OF THE ROAD RULES**

8.9 The Committee notes the relevant sections of the ACT Road Rules that provide for the classification of motorised scooters as pedestrians:

**Division 2 Rules for persons travelling in or on wheeled recreational devices and wheeled toys**

*Note 1* For the Australian Road Rules, a person in or on a wheeled recreational device or wheeled toy is a pedestrian, not a rider — see rule 18 (d). This Division contains rules that apply only to persons travelling in or on wheeled recreational devices and wheeled toys.

*Note 2* *Wheeled recreational device* and *wheeled toy* are defined in the dictionary.

*Note 3* Rules that apply to users of wheeled recreational devices also apply to users of motorised scooters — see the definitions of *wheeled recreational device* and *motorised scooter* in the dictionary.

244A Meanings of scooter and motorised scooter

(1) In these Rules:

scooter means a device that:

(a) has 2 or more wheels and a footboard supported by the wheels; and

(b) is steered by handlebars; and

(c) is designed to be used by a single person; and
(d) is propelled by any 1 or more of the following:
(i) gravity;
(ii) the user pushing one foot against the ground;
(iii) an electric motor or motors; and
(e) if it is fitted with an electric motor or motors, complies with the following requirements:
(i) its maker certifies (either by means of a plate attached to the motor or each motor, or by means of engraving on the motor or each motor) the ungoverned power output of the motor, or each motor;
(ii) the maximum power output of the motor, or the combined maximum power output of the motors, is not more than 200 watts;
(iii) when propelled only by the motor or motors, the scooter is not capable of going faster than 10 km/h on level ground.

*motorised scooter* means a scooter that is propelled by 1 or more electric motors and complies with the requirements in paragraph (e) of the definition of *scooter*.

(2) A reference in paragraph (d) or (e) of the definition of *scooter*, or in the definition of *motorised scooter*, in subrule (1), to a motor includes both a motor that is part of the relevant device and a motor that is attached to the device.

(3) In these Rules, a reference to a scooter includes a motorised scooter unless the contrary intention appears.

*wheeled recreational device* means a wheeled device, built to transport a person, propelled by human power or gravity, and ordinarily used for recreation or play, and:

(1) includes rollerblades, rollerskates, a skateboard, scooter, unicycle or similar wheeled device; but

(2) does not include a golf buggy, pram, stroller or trolley, a motor-assisted device other than a motorised scooter (whether or not the motor is operating), or a bicycle, wheelchair or wheeled toy.

*Note* Bicycle, trolley, wheelchair and wheeled toy are defined in this dictionary.
COMMITTEE COMMENTS

8.10 The Committee notes that there are some inconsistencies in the way that mobility scooters are treated in the ACT Road Rules and associated policy framework. It is recognised that applying the same rules to users of motorised scooters as pedestrians may not be appropriate in all situations, although this is the current legal situation.

8.11 The Committee is of the view that it is likely that the number of motorised mobility scooters will increase as they become more affordable and as the population ages. Therefore, it is important that an appropriate policy framework is developed to inform decisions around the use of motorised scooters.

Recommendation 28

8.12 The Committee recommends that the ACT Road Rules be amended in such a way that motorised mobility scooters are recognised as a separate category.

SEGWAYS

8.13 The Committee received some evidence about the use of segways and the requirement that an increase in level of segway use may lead to greater consideration of this transport when discussing vulnerable road users.

8.14 CARRS-Q submitted:

Recently, several governments have announced that they will allow the use of Segways (referred to generically as two-wheeled self-balancing personal transporters) on footpaths and bikeways. The popularity of these devices is yet to be determined, but they are wide and heavy and their compatibility with bicycles and pedestrians on footpaths and in relation to motor vehicles when used on roads requires further research.

This “morphing” of vehicle categories is likely to continue into the future and may lead us to abandon our current prescriptive vehicle classifications in favour of a performance-based system with consequences for operator licensing and training, and vehicle registration.\(^{305}\)

\(^{305}\) Centre for Accident Research & Road Safety – Queensland, Submission No. 5, p. 20.
COMMITTEE COMMENTS

8.15 The Committee has received no evidence to indicate that the further use of two-wheeled self-balancing personal transporters is an area of concern in the ACT. However, the Committee is of the view that attention may be required in the future.

Mick Gentleman MLA
Chair
29 May 2014
Appendix A  List of Submissions

1. David Horner
2. Australasian College of Road Safety (ACT Chapter)
3. Peter Jansen
4. NRMA-ACT Road Safety Trust
5. Centre for Accident Research and Road Safety
6. Ben Buchler
7. NRMA Insurance
8. Living Streets Canberra
9. Peter Lavers
10. Melrose High School
11. Lisa Jackson
12. Adam Lee
13. ACT Government
14. Pedal Power ACT
14a. Pedal Power ACT—Presentation
14b. Pedal Power ACT—follow up information
15. Motorcycle Riders Association of the ACT
16. Maurice Blackburn Lawyers
16a. Maurice Blackburn Lawyers
17. NRMA Motoring & Services
18. Margo Saunders
19. Russell Reid
20. Dr Ashley Carruthers
21. Daniel Oakman
22. ACT Law Society
22a. ACT Law Society
23. Mr Don Burns
24. Mr Shane Rattenbury MLA
25. Associate Professor Paul Tranter
26. Canberra Cycling Club
27. Canberra Vikings Cycling Club
28. Cameron Jose
29. Malcolm Leslie
30. GTA Consultants
30a. GTA Consultants
31. Matthew Blunn
32. Deciana Speckmann
33. Stacie Hall
34. Taras and Teon Harasymiv
35. Geoff Farrar
36. Susan Kleven
37. Steve Crispin
38. Gary Rolfe
39. Heart Foundation and Urban Synergies
40. Ken Moylan
41. Ron Brent
42. Amy Gillett Foundation
42a. Amy Gillett Foundation
43. Bethany Thompson
44. Cycling Promotion Fund
45. Martin Miller
45a. Martin Miller
46. Gillian King
47. Cyclists' Rights Action Group
48. Ian McMahon
49. Simon Nally
50. Toby Driscoll
51. Barry Taylor
52. Dr Robert Lang
53. The George Institute for Global Health, The University of Sydney
54. Bruce Paine
Appendix B  Public Hearings

Monday 2 December 2013

- Amy Gillett Foundation
  - Ms Tracey Gaudry, Chief Executive Officer
  - Dr Rod Katz
- Canberra Cycling Club
  - Mr Stuart Jones, President
  - Ms Liz Fitch, Women’s Coordinator
- Canberra Vikings Cycling Club
  - Mr Rob Fisher, President
- Cyclists’ Rights Action Group
  - Mr Bill Curnow, President
  - Mr James Grieve, Vice-President

Tuesday 3 December 2013

- Pedal Power ACT
  - Mr John Armstrong, Executive Officer
- NRMA- ACT Road Safety Trust
  - Professor Don Aitkin AO, Chair
- Mr Martin Miller
- Ms Stacie Hall
- Mr Gary Rolfe

Wednesday 12 February 2014

- ACT Law Society
  - Mr Martin Hockridge, President
  - Ms Noor Blumer, Immediate Past President
- Australasian College of Road Safety (ACT Chapter)
  - Mr Eric Chalmers, President
  - Mr Lauchlan MacIntosh AM, National President
- Living Streets Canberra
  - Mr Leon Arundell, Chair
- Centre for Accident Research and Road Safety
  - Professor Narelle Haworth
Motorcycle Riders Association of the ACT
  • Ms Jennifer Woods, Senior Vice-President

Tuesday 4 March 2014

• Ms Gillian King
• ANCAP Australasia Ltd.
  • Mr Nicholas Clarke, Chief Executive Officer
• Heart Foundation (ACT Division)
  • Mr Tony Stubbs, Chief Executive Officer
  • Mr Anthony Burton, Active Living Coordinator

Wednesday 5 March 2014

• Melrose High School
  • Mr George Palavestra, Principal
• Ms Margo Saunders
• Council on the Ageing ACT
  • Mr Paul Flint, Executive Director
• Maurice Blackburn Lawyers
  • Mr Walter Hawkins, Principal
• GTA Consultants
  • Mr Peter Strang, Canberra Manager
  • Mr Dick van de Dool, Director, NSW

Monday 28 April 2014

• Mr Simon Corbell MLA, Attorney General
  • Dr Karl Alderson, Deputy Director-General, Justice, Justice and Community Safety
  • Ms Karen Greenland, Deputy Executive Director, Legislation, Policy and Programs, Justice and Community Safety
  • Mr Geoff Davidson, Legislation, Policy and Programs, Justice and Community Safety

Wednesday 30 April 2014

• Mr Shane Rattenbury MLA, Minister for Territory and Municipal Services
  • Mr Paul Peters, Executive Director, Roads and Public Transport
  • Mr Tony Gill, Director, Roads ACT, Roads and Public Transport
## Jurisdictional Overview

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Committee</th>
<th>Inquiry Title</th>
<th>Key Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>House of Representatives</td>
<td>Standing Committee on Transport and Regional Services</td>
<td>Inquiry into National Road Safety—June 2004</td>
<td>Implementation of national speed limits, encourage the use of a national driver licensing system including graduated licensing and special licences, national standards for road infrastructure should reflect the needs of all road users, development and implementation of national strategies for motorcycle safety, cyclists and pedestrians</td>
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<tr>
<td>New South Wales</td>
<td>Staysafe (Road Safety) Committee</td>
<td>Vulnerable Road Users—Inquiry into Motorcycle and Bicycle Safety—December 2010</td>
<td>Improvements in data collection, comparison and sharing, enhanced collaboration between road user groups, trial system of bike boxes, improved monitoring of road surface conditions, separate signal phases for bicycles, safety audit of shared paths and zones, conduct research into rider fatigue in motorcycle crashes, report on the trial of post-licence mentoring activities, improved education campaigns</td>
</tr>
<tr>
<td>State</td>
<td>Committee</td>
<td>Inquiry / Investigation</td>
<td>Recommendations and Actions</td>
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<tr>
<td>Queensland</td>
<td>Transport, Housing and Local Government Committee</td>
<td>Inquiry into cycling issues—November 2013</td>
<td>Improvements in a range of areas related to data collection and sharing, development of a ‘vulnerable road user hierarchy policy’, legislate for a minimum overtaking distance, 24 month trial to exempt cyclists over the age of 16 from wearing a helmet in some circumstances, introduce a ‘rolling stop’ rule for cyclists at stop signs, allow cyclists to ‘turn left on red’, permit cyclists to ride on pedestrian crossings with some controls, inclusion of cycling related material in driver’s licence testing, improvements to road infrastructure to improve safety, introduction of new education and awareness campaigns in a range of areas.</td>
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<tr>
<td></td>
<td>Travelsafe Committee</td>
<td>Investigation into child deaths and injuries from low speed vehicle run overs—September 2007</td>
<td>Amendments to housing design standards to ensure maximum visibility, distribution of safety information with the Personal Health Records provided to all new parents, provision of research funding to examine causal factors and preventative strategies. [Most recommendations supported in GR]</td>
</tr>
<tr>
<td>Tasmania</td>
<td>Select Committee on Road Safety</td>
<td>Interim Report – seek advice on maximum speed limits, increased penalties for repeat drink driving offenders, more training for learner drivers, incentives for drivers of provisional licence who undertake additional driver education courses, national uniform standard of collecting serious injury data, more extensive use of variable speed limits, education and awareness campaigns for drivers about cyclists and more training programs for cyclists, increased education and awareness about motorcyclists and pedestrians.</td>
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</tr>
<tr>
<td>Victoria</td>
<td>Road Safety Committee</td>
<td>Inquiry into Serious Injury—due to report in June 2014</td>
<td>Under the terms of reference, the Committee is required to inquiry into, consider and report on the nature and extent of serious injury in motor vehicle accidents in Victoria.</td>
</tr>
<tr>
<td>Inquiry into Motorcycle Safety—December 2012</td>
<td>Improvements to data quality and accuracy including collection, collating, interpreting and publishing, additional requirements to be placed on licence and testing providers, new measures to protect off-road riders, implement a range of education and awareness initiatives, changes to the motorcycle safety levy and projects that are funded by this levy, improved collaboration and consultation with a range of stakeholders, support for a range of countermeasures including protective clothing.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Road Safety Committee</td>
<td>Inquiry into Pedestrian Safety in Car Parks—May 2010</td>
<td>Increased awareness of reporting requirements when accidents occur in car parks, greater sharing of accident data, amendments to planning provisions to improve guidelines and standards as they apply to car park design and maintenance.</td>
<td></td>
</tr>
</tbody>
</table>
Appendix D  Cycling Code of Conduct

Sharing roads and paths

Everyone
- know and obey the road rules
- keep your responsibilities
- obey road signs and signals
- use bicycle lanes when they are available
- be patient and considerate on all roads
- acknowledge good behaviour
- don’t respond to road rage or harassment

Definitions
- Bicycle rider: anyone riding a bicycle
- Pedestrian: someone walking on foot, wheeled devices such as skateboards, rollerblades, wheelchairs and motorised mobility devices
- Driver: driver includes people operating a car, bus or truck

Road rules
- keep to the right
- keep to the left
- keep your responsibilities
- obey road signs and signals
- use bicycle lanes when they are available
- be patient and considerate on all roads
- acknowledge good behaviour
- don’t respond to road rage or harassment

Bicycle riders
- you cannot pass a vehicle on the left when the vehicle is indicating and in the process of turning left
- keep your bicycle in good order - you must have at least one effective brake, and a working bell or horn
- you must stop behind a stationary tram and wait for the tram doors to close and the pedestrians to clear the road before continuing
- you must wear an Australian standard bicycle helmet, securely fitted and fastened
- you must not ride in areas reserved for pedestrians
- you must not ride more than 2.5 km/h over the speed limit of the road
- you can only carry up to the number of people that the bicycle and attachements such as trailers are designed for
- you must ride in an on-road bicycle lane if there is one unless impractical to do so
- you must give way to pedestrians on footpaths and shared paths

Drivers and motor bike riders
- before moving, look for bicycle riders, indicate and check your mirrors
- before opening car doors, use your mirrors and check that it is safe
- stop before the first white line or bike box at intersections
- only enter a bike lan when clear of bicycle riders or a maximum of 50 metres, to make a left turn or to enter a parking space on the roadway
- when turning give way to all vehicles including pedestrians

Pedestrians
- only cross on a green crossing signal
- don’t walk on a bike-only path unless crossing
## Be alert

**Bicycle riders**
- ride with routine passed parked cars
- be aware of opening car doors
- ride outside the car door zone when safe to do so
- don’t ride in a driver’s blind spot, make sure the driver can see you
- watch for hazards and obstacles on the road, such as potholes and grates
- cross the tracks of right angles
- look for vehicles, motor bikes and pedestrians entering and exiting driveways and tennis courts

**Drivers and motor bike riders**
- expect to see bicycle riders on all roads in all areas
- leave at least one metre when overtaking bicycle riders – more if travelling over 80km/h
- look for bicycle riders’ hand signals, so you are aware of their intentions
- look for bicycle riders turning right from the left lane at a roundabout
- wait for pedestrians and bicycle riders when parking or entering a driveway

**Pedestrians**
- look and listen for bicycle riders and other road users when crossing roads or paths
- expect to see bicycle riders on shared paths and footpaths

### Footpaths and bicycle riders

**Who can ride on them?**
- children aged 11 years and younger
- and accompanied adults
- a bicycle rider with a medical exemption

## Be predictable

**Bicycle riders**
- don’t move in and out of traffic – maintain a straight line
- use clear hand signals when changing lanes and turning

**Drivers and motor bike riders**
- provide sufficient notice to other road users when changing lanes
- avoid sudden lane changes

**Pedestrians**
- look out for bicycle riders and don’t make sudden moves across their path

### Safe speeds

**Bicycle riders**
- manage your speed so you can stop or slow safely

**Drivers and motor bike riders**
- leave plenty of space when turning in front of bicycle riders
- when overtaking a bicycle rider, slow down and allow a space of at least one metre
- manage your speed so you can stop or slow safely

**Pedestrians**
- look for bicycle riders as they can travel faster than cars in busy traffic
- watch for bicycle riders when walking through queues of stopped vehicles

## Be courteous

**Bicycle riders**
- use your horn or siren when approaching pedestrians and other bicycle riders
- ride at approximate speeds when using a shared path or bike path
- slow down when overtaking pedestrians
- when riding in a group in busy traffic, on narrow roads, consider riding in single file to allow vehicles to overtake safely
- be considerate about where you park your bicycle so you are not obstructing footpaths, Driveways, or mobility scooter access

**Drivers and motor bike riders**
- wait behind bicycle riders at intersections, the same as you do for other vehicles
- don’t sound your horn unnecessarily around bicycle riders
- give bicycle riders time to ride off when traffic lights turn green
- give bicycle riders space when sharing the road as sometimes they need to ride out to a side to avoid a hazard or obstacle
- park your vehicle so it does not obstruct bicycle riders, pedestrians, bike lanes or the path

**Pedestrians**
- when you hear or see bicycle riders, keep left to allow them to pass safely
- move off the path if you want to stop
- encourage children to keep left when sharing paths
- keep dogs on a short leash to your left on a shared path

## Be visible

**Bicycle riders**
- use your lights at night and at low visibility times
- make sure you have working lights on the front and the rear of your bicycle. Lights must be visible for at least 250 metres and should not dazzle other road users
- make sure your bicycle has a rear red reflector
- wear light or bright colours, high visibility or reflective materials

**Drivers and motor bike riders**
- dip headlights at night when approaching bicycle riders and pedestrians

**Pedestrians**
- ensure other road and path users can see you

## Sharing with other bicycle riders

**Bicycle riders**
- develop cycling skills for your safety and the safety of others
- keep a safe distance in front of you to avoid wheel overlapping
- don’t cut in too soon after overtaking other bicycle rider(s)
- ride within a single vehicle lane
- you must not ride more than two abreast unless overtaking. When riding two abreast riders should not be more than 1.5 metres apart
- use your voice and hand signals to point at hazards or obstacles
- do not change direction or brake suddenly

**Drivers and motor bike riders**
- use your horn or siren when approaching pedestrians and other bicycle riders
- ride at approximate speeds when using a shared path or bike path
- slow down when overtaking pedestrians
- when riding in a group in busy traffic, on narrow roads, consider riding in single file to allow vehicles to overtake safely
- be considerate about where you park your bicycle so you are not obstructing footpaths, Driveways, or mobility scooter access

**Pedestrians**
- when you hear or see bicycle riders, keep left to allow them to pass safely
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**Supporting partners**

- RACV
- Monash University
- Committee for a Liveable Peninsula
- Board of Victoria
- City of Melbourne
- VicRoads
- Cycling Victoria
- BikeSafe
- BPRA
- Committee for a Liveable Peninsula
- University of Melbourne
- Monash University

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**July 2013**