

REPORT OF PROCEEDINGS BEFORE

JOINT STANDING COMMITTEE ON ROAD SAFETY

**INQUIRY INTO SPEED ZONING AND ITS IMPACT ON THE
DEMERIT POINTS SCHEME**

At Sydney on Friday 6 June 2014

The Committee met at 9.00 a.m.

PRESENT

Mr G. J. Aplin (Chair)

Legislative Council

The Hon. R. H. Colless (Deputy Chair)
Reverend the Hon. F. J. Nile
The Hon. W. Secord

Legislative Assembly

Mr C. D. Holstein
Mr D. J. Webber

HAROLD CHARLES SCRUBY, Chairman, Pedestrian Council of Australia, affirmed and examined:

CHAIR: Good morning, Mr Scruby, and thank you for joining us today at the second public hearing of the Joint Standing Committee on Road Safety in relation to its inquiry into speed zoning and its impact on the demerit points scheme. The public hearing being held today follows the earlier hearing conducted yesterday and continues the Committee's investigations of a range of issues surrounding the process of determining speed limits on New South Wales roads and the imposition of demerit point penalties for speeding offences. I remind everyone to switch off mobile phones as they can interfere with Hansard's recording equipment. If your phone is on silent mode, if you would, switch it off completely. I welcome our witness from the Pedestrian Council of Australia, Mr Scruby, who is appearing before us this morning and thank him for appearing.

Mr Scruby, I draw your attention to the fact that your evidence is given under parliamentary privilege. You are protected from legal or administrative action that might otherwise result in relation to the information you provide. I should also point out that any deliberate misleading of the Committee may constitute contempt of the Parliament and an offence under the Parliamentary Evidence Act 1901. Time is always limited at these hearings and the Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Mr SCRUBY: Yes.

CHAIR: Before we proceed with any questions, would you like to make a brief opening statement?

Mr SCRUBY: Yes, thank you, Chairman. I welcome this inquiry. It is very, very important. I think we all agree that speed is a major factor in our road toll. Anything we can do to save the lives and limbs of the people of New South Wales and Australia has to be a good thing. I would like to open my presentation with yesterday's road toll, which is quite a shocker from our perspective. If you have seen it, you will know that pedestrian deaths have increased by 100 per cent on the same period last year. We do not know why. We do not know if the injury data are following that trend but all the other road user categories are either down significantly or virtually are unchanged.

From our perspective, this is a very important issue. Speed obviously relates to the deaths and injuries of many pedestrians. One of the advertisements that the Roads and Traffic Authority [RTA] was running states that a pedestrian hit at 50 kilometres an hour is twice as likely to be killed as a pedestrian hit at 40 kilometres an hour. We certainly welcome the Government's decision to introduce 40 kilometres an hour speed limits in parts of the central business district [CBD]. We have been campaigning for that since 1996. We have letters from Carl Scully and the RTA welcoming that idea and offering to pay for the changeover. It has been a long time coming. The only thing we would say about that is that we are very disappointed it has not been extended right through the city. I cannot understand why streets like Elizabeth Street are not 40 kilometres an hour.

It seems that we still have a culture here that we base our decisions on history rather than risk assessment. I do not think anyone around this table would see that Elizabeth Street is any more or less dangerous than George Street. In fact, Elizabeth Street is a wider street and there are a lot of buses and a lot of speed there. If you look around Australia and around the world, big cities are moving to 40 kilometres an hour. New Zealand has moved most of its cities and towns to 30 kilometres an hour. The whole of Melbourne has been 40 kilometres an hour for over two years. The whole of North Sydney has been 40 kilometres an hour for over a decade. No-one complains. It is extraordinary that behind this very Parliament we have had 30 kilometres an hour for over a decade and no-one has said boo.

It is a harmonising idea, and it is not just for road safety. It improves commerce. The speed in CBDs improves commerce. I can provide the Committee with a wonderful study out of New York where they are starting to reduce speed limits and pedestrianise and make cycleways in New York. From the metrics they can show that commerce is going up dramatically and communities are improving. It is not a big change and it does not cost the community much. Most vehicles, as we know, do not get much over 20 kilometres an hour in the CBD, but it is at dusk and at times when people are trying to beat the next traffic lights and it is the minority who cause those problems. I am not putting this straight through to motorists. It is not just the motorists' fault. Pedestrians have a lot to answer for, particularly now we have this modern phenomenon of people using hand-held electronic devices when they are crossing roads.

We have this conundrum of people driving while using mobile phones and people listening, probably, to Beethoven's Ninth with noise-cancelling earphones and crossing the road against the lights. It is a horrible scenario, but it is there. You only have to walk outside and see it. A recent study in Seattle showed that one in three pedestrians was using some form of mobile device while crossing the road. We have a big problem ahead of us and much of it is related to speed. If we can slow vehicles down in the CBD, we can avoid the trauma. Even if it is the fault of the pedestrian, everyone around this table pays for that cost if the pedestrians are hit. Our road toll in New South Wales is estimated to be around \$9 billion per annum and 20 per cent of the crashes—maybe more now—are pedestrians, and the cost to each pedestrian, if the injured, is usually more typically double the cost to those people hurt inside motor vehicles.

We have a big issue here. I am imploring the Committee to embrace lower speeds in areas of high pedestrian activity. We have done a fabulous job in New South Wales around school zones. We have done a fabulous job and I think the community is with us on this. I remember when we first started campaigning for this in this very room that people were arguing it would slow the traffic down around schools.

The Hon. WALT SECORD: Harold, what is your view on the State Government falling behind on its flashing lights program? They promised that they would have all the schools in New South Wales—3,150—with flashing lights by 31 December 2015. There is no way they are going to reach that. They are only 40 per cent on track.

Mr DARREN WEBBER: We have not hit that yet.

The Hon. RICK COLLESS: We still have 12 months to go.

Mr SCRUBY: I am disappointed, but it may well be that we are slowing vehicles down around these schools. I am more disappointed in the fact that we have only 19 locations for mobile speed cameras in 10,000 school zones in New South Wales. There are 10,000 school zones. It sounds strange but there are 3,500 schools and there are often four school zones around them.

The Hon. RICK COLLESS: Yesterday you were going crook about the number of speed cameras, Walt.

The Hon. WALT SECORD: There you go. Listen to that. I want to hear more.

Mr SCRUBY: If I am digressing, please let me know.

CHAIR: What we might do is tease out some more responses through questions.

Mr SCRUBY: Yes.

CHAIR: You have provided us with a submission and a very good introductory statement. I might follow up some of the ideas you have been espousing. Very clearly in your submission you stated that setting speed limits is a balance between mobility and safety. How should policymakers balance those competing requirements of road user convenience and the ability to reach destinations efficiently, and of course the need for minimising injury and crash risk?

Mr SCRUBY: Sir, you ask the best question that could ever be asked and the one that we will all be arguing, or the people will be arguing, a long time after we gone. It has always been thus right back to the Romans. It is an issue of once we have mobility and good technology, we want to get around quickly. But we also have to face the fact that each road has a different engineering function. Some roads are made for 110 kilometres an hour and other roads are made for 30 kilometres an hour. I think what we have to recognise in this city particularly is that 92 per cent of the road users in this CBD are pedestrians, but anyone who went out there today who was foreign to this city would see a city that has really been designed around a car. We push buttons in this city at our traffic lights and they have all been disabled through business hours. They do not work for pedestrians. This CBD is designed around motor vehicles.

The Hon. WALT SECORD: Is that true? What do you base that on? That is interesting, if it is true.

CHAIR: Could you explain that because most of us do tend to walk in the morning to and from.

Mr SCRUBY: You like pushing those buttons?

The Hon. WALT SECORD: Yes.

CHAIR: And they do work.

Mr SCRUBY: Because you have just been like Pavlov's dog.

CHAIR: They are all set to a cycle.

Mr SCRUBY: They are disengaged during business hours.

Mr DARREN WEBBER: I disagree with that.

The Hon. WALT SECORD: Harold, who has disengaged them? I am curious about this.

CHAIR: Do you have proof of that?

Mr SCRUBY: I have been told it many times. There may be some people in this room who can back me up.

The Hon. WALT SECORD: No, we are interested. I would like to hear what you base this on.

CHAIR: We would like to know the basis of that because it is certainly not my experience, and I gather it is not the experience of others who walk.

Mr CHRIS HOLSTEIN: It is of concern to me and I am not aware of it.

Mr DARREN WEBBER: In my experience I have never waited more than three minutes once pressing a pedestrian button, and I am aware that you only have to press it once and that multiple presses do not speed it up.

Mr SCRUBY: No, that is not my point. Pushing the button is making no difference to the time when that will change.

CHAIR: Indeed, yes. Correct.

Mr SCRUBY: That is my point, and they are disengaged during business hours. I have been told that by the most senior people.

CHAIR: In other words, there is an override that allows them to be brought into action at a regular time rather than on demand.

Mr DARREN WEBBER: The priorities could be weighted differently but I am not sure they could be disengaged.

Mr SCRUBY: They do not work during business hours.

CHAIR: But the point is that they do allow pedestrians to cross.

Mr SCRUBY: Oh, yes.

CHAIR: At regular intervals, and safely.

Mr SCRUBY: Absolutely. They will still change.

CHAIR: I just wanted to clarify that.

Mr SCRUBY: But you pressing the button will have no effect on the change.

The Hon. WALT SECORD: Harold, are they disengaged by the State Government or the Sydney city council?

Mr SCRUBY: I believe that Roads and Maritime Services [RMS] controls all traffic lights. The same thing happened, do you remember, when we had a pedestrian inquiry and you recommended three options for countdown timers. We put in a couple around Bathurst Street and they were designed to fail because we have this thing called the Sydney Co-ordinated Adaptive Traffic System [SCATS] and SCATS shall never be challenged. SCATS is the emperor's new clothes. SCATS dominates our system.

CHAIR: We probably need to leave that subject. It is not within the terms of reference and it is marginally associated with pedestrians crossing against the traffic lights.

Mr SCRUBY: Yes.

CHAIR: But we are talking about speed and it is not really relevant to the terms of our inquiry.

Mr SCRUBY: We are not backing off, Chairman.

CHAIR: Can we leave that and perhaps come back to it if we have time?

Mr SCRUBY: Yes, sure.

Mr DARREN WEBBER: Mr Scruby, most of the witnesses we have had here have addressed a cultural problem—the expectation motorists, as you have just talked about, to be mobile as quickly as possible in all environments.

Mr SCRUBY: Yes.

Mr DARREN WEBBER: In my experience, I get kickback in my electorate when we talk about blanket 30 kilometres an hour or 40 kilometres an hour speed zones. When we talk about these blanket areas, would you agree with main arterial roads being excised from those blanket zones, being mindful that the more we have different speed zones the more confused motorists can get?

Mr SCRUBY: No because that is where the potential for harm increases. In fact, we had an interesting time with the previous Government a long time ago when we were trying to get 40 kilometres an hour zones around all schools. In the bush they were 60 kilometres an hour because there was this culture in the bush of: We know how to drive and we know what is safe. We put out a release or something that just said, "Look, if we are going to have 60 kilometres an hour in the bush, we had better teach kids to run faster." Believe it or not, it is still 60 kilometres an hour in Victoria in the bush because there is this culture that the children out there know how to handle a 60 kilometres an hour zone.

I think the RTA or RMS policy is good: If there is no gate on that road, no speed zone or no speed zone change. If there is a gate and children are able to access that road, then I think we should stick with that policy. I think the idea that we should have flashing lights around every school zone—if you look at what we said that 12 years ago in front of this very Committee—is that there should be flashing lights around all school zones on main roads. We think that is a good thing. Maybe we are not getting enough revenue out of the speed cameras now to pay for it, I do not know, but it is a very good thing to have flashing lights. However, the point that I make is that there is only one school zone in the whole of Sydney itself where they can put in a mobile speed camera.

You go back to the original findings of the Auditor-General who asked the question of a government: Why is it when Mr Roozendaal promised they would be in these school zones and they would be rotated around all these school zones, we have got one? This is absurd. He said 99 per cent of school zones in New South Wales have no enforcement. This is just ridiculous. These are our most precious asset. These are our children. If we put in a school zone, it should be enforced. I do not know why politicians are so scared of mobile speed cameras. They are a good thing. They save lives. That is not my view: There is evidence throughout the world. Have a look at France where they halved their road toll when they brought in speed cameras.

Mr DARREN WEBBER: Define which version of the speed camera you are talking about.

Mr SCRUBY: The mobile one.

Mr DARREN WEBBER: Unmarked?

Mr SCRUBY: No, they are marked, actually. They are marked and, unfortunately, this Government—unlike Victoria—has now got warning signs, three of them, but one of them is outside the beam. Why do we do this? Victoria is totally covert and all the evidence from right around Australia shows that covert speed cameras work far better than overt ones. Why do we have to tell people that there is a speed camera? It is not a game. It is not like the old days when you had to be able to outrun the copper. This is very good technology. Taking it one step further: What sort of Government is this that has 25 point-to-point cameras—the best technology in the world—and it is only for truck drivers?

The Hon. WALT SECORD: Mr Scruby, would you like point-to-point extended to all vehicles?

Mr SCRUBY: It is already.

The Hon. WALT SECORD: No, it only applies to heavy vehicles at the moment.

Mr SCRUBY: Hang on, I agree with you.

The Hon. WALT SECORD: I am not suggesting that; I am just putting it to you.

Mr SCRUBY: It is not my point of view. If you read the 2011-2020 Road Safety Strategy signed by Duncan Gay it states that not only are point-to-point cameras fantastic and save lives all over the world and are widely accepted by the community because no-one can say it was a momentary lapse, you really have to be gunning it to be caught in a point-to-point camera. We have got 25 of them now and the road safety strategy, signed by Duncan Gay, states they will be brought in for all vehicles within three years. That is not my point of view; that is in the document. I had nothing to do with the glorious terms which were stated about these devices. They are terrific devices. One of The Nationals members who is now the head of the Trucking Association—

The Hon. WALT SECORD: Stewart?

Mr SCRUBY: Stewart wrote to Duncan Gay and said, "Turn them on for all vehicles. These speeding motorists are in fact causing accidents with our trucks." Our first freedom of information [FOI] in 2010 showed that out of two locations—there are 25 now—17 truck drivers were caught, 94,000 motorists were detected. We have done a second FOI and they have turned that data off. These things will save lives. They have been placed in areas where there are black spots. We all like to think that when we are in those zones it is safe to drive. These will save lives. I will not mention the politician involved but when I first showed him this data he said, "We could finish the Pacific Highway with this revenue." Why? We could be putting up all those flashing lights if we were booking people who were deliberately, not accidentally, speeding. Are we that different from Victoria? Are we that different from South Australia? Are we that different from Queensland? Why can't we turn these on for everybody? I am digressing, aren't I?

CHAIR: Yes. Mr Scruby, I have been asking several witnesses a particular question. I did not think I would get the opportunity to ask you because you are representing more the pedestrianised traffic than the long-distance traffic and trucks. The question that Mr Secord put to you relates to the *Wheels* magazine-sponsored drive by a journalist from Melbourne to Sydney at 130 kilometres an hour. The point that we were making, and you have certainly put your view on point-to-point cameras, was that he would have been picked up under that particular scenario. You have stated that the public is in favour of them. What evidence do you have of that?

Mr SCRUBY: It is in the 2011-2020 document. It said that the public was in favour of them in the United Kingdom. I do not have the exact words but generally speaking the public endorses them and I can see why. I can understand that someone who gets captured in one spot who has been a good driver all their lives in a millisecond can say it was inadvertent but no-one can drive for 30 kilometres and beat the discretionary tolerance and say was inadvertent. To cap that off, these point-to-points are placed in black spots; they are not arbitrarily placed. We all know; we have driven on them. They are on those roads going into Bathurst or down to Cooma. They are dangerous roads. This is a time when we should all be particularly stay safe, coming out and being bold.

CHAIR: You have made that point very well, thank you.

Mr DARREN WEBBER: I turn to speed limits on bicycles, noting that they are not deemed as a vehicle. How do you propose that would work in practice?

Mr SCRUBY: That is a very good question again. The silly thing is that you can ride a bicycle at any speed you like. I do not know if you were able to look at the link I put there at the speeds they were coming off the shared path on the Anzac Bridge but we went there with the *Sunday Telegraph* and we measured them up to 48 kilometres an hour and they can go a lot faster. Can you imagine being hit by a 100-kilogram person doing that speed coming up from behind you? Not one cyclist coming off the Anzac Bridge was doing less than 30 kilometres and here are blind corners where pedestrians are walking out, half of them with their ear phones on. We have had a good time with the Bicycle NSW. Their former chairman in a public meeting stated there should be a maximum speed limit of 10 kilometres on all footpaths, and it should be enforceable.

We had a meeting with Les Wielinga, John Hartley, the Chairman or President of Bicycle NSW, ourselves and the City of Sydney representative, Fiona Campbell, and we all agree we should work towards a 10-kilometre speed limit on a shared path. Unfortunately it has got lost in translation and they are off now trying to look at 10-kilometre advisory speed signs. That is about as useless as the proverbial on a bull. Let me explain. You should all go and have a look at the Harbour Bridge on the southern side on the footpath approach to Fort Street School. That is where the cyclists come off the Harbour Bridge and the dedicated path becomes a shared path. There are dozens, if not scores of young kids walking up that footpath in the mornings. Clover Moore has put in an advisory flashing light and it is triggered to come on at 15 kilometres. Not one cyclist triggers that sign and not one cyclist slows down.

We cannot mix pedestrians and, by the way, the exit for the Erwin Gallery is there; it is a blind spot and all these old people are coming off there with cyclists coming down there, some of them doing 40 kilometres. Why are we doing this to ourselves? Cyclists are vehicles and they should be under the same rules as everybody else. When they are on a road they should be subject to speed limits. They are not. If there is no offence called speeding on a bicycle then how can you book someone for speeding on a bicycle? All the police can do is book them for reckless riding and that is going to be hard to prove. That is all they can book them for. And do you know that the penalty for every bicycle offence in New South Wales is \$67, from not having a bell to reckless riding. It is screaming out for review.

This is an important point. We have 10-kilometre shared zones and incidentally they have never been enforced. There has never been anyone booked for speeding in a shared zone; cyclists should obey that. You ask a good question though, Mr Webber, because you say how can they be required to have a speedometer? The technology is now all there. We should put it back on the cyclist. If you want to come on a footpath you have to have a speedometer otherwise stay on the road. It is absurd. We are an ageing population. If we are hit by a cyclist there is no insurance. We have the classic case of Mrs Giuliano on the shared path on the Iron Cove Bridge. She was hit by a cyclist, her head hit the footpath and she was permanently brain damaged. The cyclist disappeared and her husband was left as her full-time carer, having to sue the RTA and Leichhardt Council.

The same problem exists on the western side of the Anzac Bridge. We implored Roads and Maritime Services to do something about it and they do not even reply. Have you seen Moore Park Bridge? That is the new velodrome to train our cyclists for the next Olympics. I promise you: you have got no idea what speed they will be doing there. It says "pedestrian bridge". When you get down to the bottom it says "shared path". Even the cyclists are with us on this. We want dedicated cycleways and footpaths. I know this does impinge on the inquiry because it is speed and speed limits. If cyclists are not required to obey speed limits then the inquiry is not doing itself a service.

CHAIR: Thank you for raising that because very few of the submissions have in fact gone to that particular point and it is important that it be covered. You have made that very clear.

Mr SCRUBY: Mr Chairman, before this finishes, I have one thing because it has come up since this inquiry was asked for. I would like to address motorcycle lane filtering because it has to do with speed limits.

CHAIR: Can we do that after the questions?

Mr SCRUBY: Yes, thank you.

Mr CHRIS HOLSTEIN: You raised initially that pedestrian deaths were up, yet further on you spoke about the extensive use of mobile devices. Do you see any connection between the two? You spoke about the Seattle study. I would be interested in seeing that study, which spoke about one in three pedestrians using a mobile device. I assume that was done within the Seattle CBD?

Mr SCRUBY: I presume so.

Mr CHRIS HOLSTEIN: I would be interested in looking at that. Do you see any link between pedestrian deaths and this fixation with mobile devices and lack of attention?

Mr SCRUBY: Anecdotally and empirically, absolutely but there is no data and the reason there is no data is the technology has preceded the law. When a pedestrian is killed or injured and a police officer attends, there is no box to tick. There is no box to say "using hand-held mobile device". In fact, there is no offence that relates to this behaviour. All they can book you for is crossing within 20 metres of a pedestrian crossing, crossing against a red light or not crossing safely. In our view the penalties are ridiculous. In our view there is nowhere near enough enforcement and in our view there should be a special penalty of, say, \$200 for using hand-held mobile devices when crossing the road. I know I am veering off the course. I apologise for that, but it comes back to the speeds that motorists are doing in the CBD coupled with the behaviour of pedestrians.

We have been very concerned about it. We have had two major full-page advertisements in the papers both called "Don't Tune Out". One features a woman lying dead on the road with what looks like an earplug but it is actually blood. It is a very powerful advertisement—"Stop, Look, Listen, Think." The other one features a whole lot of people crossing against the lights and they have all got sheep heads on.

Mr CHRIS HOLSTEIN: You also say that the gathering of that data is limited because within the report of the incident or event there is not a box to tick?

Mr SCRUBY: Precisely, so how do you go back and find that data if there is a coronial inquiry.

Mr CHRIS HOLSTEIN: So it is the ability to have that data gathered at the point.

Mr SCRUBY: Yes.

Mr CHRIS HOLSTEIN: How would you perceive the enforcement of speed limits on bikes taking place?

Mr SCRUBY: If it were a 10-kilometre limit, there is no risk that the police do not have the devices to measure the speed.

Mr CHRIS HOLSTEIN: At 10 kilometres?

Mr SCRUBY: Well, it might be discretionary. They might say they will not book them under 20 kilometres. That is up to them, it is their discretionary tolerance but at least there would be a limit. It would then be up to the cyclist to demonstrate that he or she was not speeding. It is their problem. You simply say it is 10 kilometres. I have been questioned by journalists only last week about the conundrum again down on Pyrmont Bridge—what a joke. We have been working with the Sydney Harbour Foreshore Authority trying to make it work. That is an advisory speed sign down there but no-one obeys it. Why are we mixing pedestrians and cyclists like this?

We think we are Holland and Copenhagen where everyone sits upright and there are no helmets and there are little flowers coming out of the basket. It is nonsense. This is lycra lunacy. This is Tour de France. They are all over the handlebars, trying to beat their last time to work. And Clover Moore has painted these wonderful little Dutch-Danish logos all over our footpaths in light blue, with a cyclist sitting up like this—there were not any flowers but they were not wearing a helmet, and everyone is happy. But that is not the way it is. These people are all in lycra over the handlebars on a footpath in an outdated system. This was designed for that; the 10-kilometre shared zone was designed for Holland and Denmark but it is not. It has turned into a commuter system on footpaths and we are mixing people with these cyclists doing high speeds with an ageing population and children.

Mr CHRIS HOLSTEIN: I appreciate your point of view there. Within your submission you call for the reversal of powers given to magistrates to separate demerit point reductions from financial penalties. Can you expand on that point?

Mr SCRUBY: Yes. We find that in so many cases—we call it four ply soft—the judiciary in this State seems to just let everybody off, especially with the dreadful section 10s. If you ever do an inquiry, please do an inquiry on how many people get a section 10. I think over 50 per cent of drink-drivers get a section 10. The beauty about the demerit point system—and I think the Victorians have really been clever—and it pertains to speeding as well, is that 30 kilometres over and you lose your licence automatically for three months; 45 kilometres over, you lose it for six months. We were instrumental in that 10 years ago with Carl Scully. It is a good system. People know what they are going to get if they speed but if you drink and drive, you go to court and you say you were not breastfed or someone took your toys away early, you are off.

In Victoria very cleverly on your first offence for drink-driving you get I think it is about a \$500 on-the-spot fine—this is for low range—and you get 10 demerit points. How brilliant is this? The magistrate cannot quash those demerit points, so for two or three years you are on notice—two more demerits points you lose your licence automatically. Here, we used to have this system and it meant the magistrates could give you a section 10, which they are just throwing around like confetti, but you could not get out of the demerit points.

I think demerit points are a beautiful system because they are egalitarian: They treat everyone equally. We do understand that some people suffer hardship with money and other things but they have still committed the same offence. If the magistrates cannot quash these—and I was disappointed in Labor at the time because it was a throwaway, "We will give them 13 demerit points." Why, unlike every other State and Territory, do we get 13 demerit points here? We are all Australians and we should be on the same system. Then they said, "We will quash these demerit points." Why shouldn't they just stay? If you are convicted of the offence you should keep the demerit points; it stops people driving badly.

The Hon. RICK COLLESS: Police face an obvious problem in attempting to book cyclists who do not have any form of identification on their bikes.

Mr SCRUBY: Yes.

The Hon. RICK COLLESS: Do you believe that people should be licensed to ride a bicycle? Do you believe that a bicycle should be registered? Finally, should they carry compulsory third party [CTP] insurance?

Mr SCRUBY: Very good questions. I would say in a perfect world yes to each question; however, it has been shown right round the world, except in Singapore, that no-one registers a bicycle. I suppose there is a certain idea that we want people to be—we are very keen on people cycling; it is active transport. We are rapidly becoming one of the fattest nations in the world so we have to get people walking and cycling but not on the same footpath.

The Hon. RICK COLLESS: What about if they are on the road?

Mr SCRUBY: That is dangerous, and that is the problem.

The Hon. RICK COLLESS: Certainly a big problem exists with cyclists on the roads and drivers becoming frustrated with the slowing down of traffic and blocking of lanes. Police have told me that there is no way they can book them unless they happen to grab them, otherwise they ride off into the distance and cannot be identified.

Mr SCRUBY: We have a problem there. If you were a real cynic—I will get back to the licensing, registration et cetera in a second—you would say if they are hit by a car there is a cost paid by third party and everything else, but shove them on the footpath and there is no cost. If you hit a pedestrian it is their problem to sort it out themselves.

The Hon. RICK COLLESS: I was under the impression that, unless it is a designated shared zone, if you are more than 12 years of age you are not allowed ride on the footpath.

Mr SCRUBY: Unless they make it a shared path. Once they make it a shared path you can ride there with virtually no rules. I will give you a classic example. The Spit Bridge at Mosman is 1.2 metres wide at the

pinch points—hardly enough to get handlebars through. So I went to the RTA and said, "Why is this bridge a shared path? It does not meet one of the criteria of minimum width of three metres; no more users than 10 an hour; and no speeds higher than 20 kilometres an hour. It cannot be a shared path." The head of the RTA sent its people down with cameras and said, "They are all behaving nicely, it is fine."

Everyone in this Parliament seems to be scared stiff of the cycling lobby. I am not pointing at anyone; it just seems to be cultural. They say they should not have to dismount to get across that bridge. A width of 1.2 metres does not meet any of the criteria of the Austroads guidelines. They sent someone down to do speed tests. They were doing 34 kilometres an hour across that bridge. When they come to the opening there is a drop down about that high and the buses are coming towards them. Someone is going to be knocked into the face of a bus, and heads will roll. That should never be a shared path. I hope you can at some stage address this issue. We have got to make it work. We do not want to see cyclists being hit by buses and we do not want to see pedestrians hit by cyclists. There is a way to make it work and we can all be sensible about it. We do not want to be in combat with cyclists. We want everyone to get out and be healthy and to use active transport.

Going back to your three questions, I think the first one with police is that there should be a very serious penalty for giving false particulars. It will mean that you do not have to carry a licence to be a cyclist. If you are pulled over for reckless cycling it is \$67.00. It is \$101 for being over time on a meter, give me a break. If you hit a pedestrian in Victoria, fail to stop and render assistance it is \$66,000 and five years in jail. Here I think it is threepence-halfpenny and a slap on the wrist. We have got to look at this. But giving false particulars to a police officer—there are too many Donald Ducks. I did a FOI some time ago. I think 60 per cent of the penalties were never paid by the cyclist, but I do not think the pedestrians were any better. I do not think we are going to get any political movement on getting them licensed.

Secondly, registrations, well we saw what happened to Shane Warne in Victoria when he had an altercation with a cyclist. He was advocating—and so was the Victorian Chamber of Commerce—registrations. It just disappeared. They are much bigger and cycling there than we are here. What is the third one? I cannot remember.

The Hon. RICK COLLESS: CTP insurance.

Mr SCRUBY: That is the big one. I think we should have an automatic cover of some kind if they are going to be on footpaths. Why should anyone be in a Mrs Giuliano position? We would love your help to find the data on this because there is very little data on the crashes between cyclists and pedestrians. You usually have to go back to the ambulances or even general practitioners. Look, you make a very good point. It is one of those things that are difficult to answer.

The Hon. RICK COLLESS: Given that you say cyclists should be booked, should they also get demerit penalties?

Mr SCRUBY: Yes.

The Hon. RICK COLLESS: And eventually be banned from riding, the same as a driver of a car?

Mr SCRUBY: Again that is very hard to answer because if they don't have a licence how do you give them a demerit point? That is the conundrum again—sorry to use that word—that is the difficulty. Ask your average police officer and they just shake their heads about cyclists. They do not want to be chasing them on the footpath. Look at the couriers; have they ever obeyed any of our rules? You actually 15 years ago had an inquiry into bicycle couriers. Have a look at all the recommendations, not one has been adopted. They are a law unto themselves. I agree, I would not want to be a police officer chasing them along the footpath—you might hurt yourself or you might hurt someone else. So there is a real difficulty there. But when they are caught—let us look at the penalties, there should be much tougher penalties.

The Hon. WALT SECORD: We have heard evidence from academics complaining about one demerit point for low-level speeding, which is 10 kilometres and under if you are caught. What is your view on the current penalty of one point?

Mr SCRUBY: I reckon we can claim almost absolute authority in having that brought in, and I tell you the reason—

The Hon. WALT SECORD: No. I was asking your opinion of the penalty of one point, not the historical background.

Mr SCRUBY: We were advocating for it.

The Hon. WALT SECORD: I know but I do not want a history lesson.

Mr SCRUBY: The reason we believed in that was because if you go back before Minister Daley, I said to the previous Ministers—and I went to all of them—"This is absurd. Our speed limits go up by 10 kilometres: 10, 20, 30, 40, 50 to 110 kilometres. We have got a zone right through New South Wales for every one of those speeds but the speeding penalties are going up by 15 kilometres." What happened was when Michael Costa came into power, he took the \$120 fine in the under 15 kilometres category and made it \$80 and he brought three demerit points in rather than two. Now don't forget you have a disparity then between someone doing 61 kilometres and someone doing 75 kilometres in the one zone with the same penalty.

I went to all these Ministers and I said, "This is stupid. Have a virtual misdemeanour in the under 10 kilometres and give one demerit point, which can be accidental, but once they get over 10 kilometres it is clearly deliberate so hit them harder when they get 10 kilometres over the limit." What happened then was that he did bring the speed limits into line—this is what Mr Daley did—with less speed zones. Now the interesting point was also, when Mr Costa made that change from \$120 to \$80 he lost \$20 million for Treasury overnight and he made practically half of Sydney's motorists criminals because those three demerit points in holiday periods became six demerit points for doing 65 kilometres in a 60 kilometre zone and people were losing their licences. I think it was a win for everybody. I am very keen on the existing system and I hope it stays.

Reverend the Hon. FRED NILE: In your submission you indicate that you are against the term "shared zone".

Mr SCRUBY: Yes.

Reverend the Hon. FRED NILE: You recommend they should be called "Pedestrian Priority Zones".

Mr SCRUBY: Yes.

Reverend the Hon. FRED NILE: Has that been introduced in any other city?

Mr SCRUBY: No, except New Zealand has it. The problem here is that we have eight jurisdictions. I had the full support on three occasions from the RTA to change the name. We did a national survey; more than 60 per cent of people did not understand the word "shared"—who has right of way. In a shared zone, as opposed to a shared path, a pedestrian has absolute right of way. People do not understand that because of the word "shared", it has a connotation of equal rights. It is a stupid term and I would love to see it removed from the whole road safety lexicon. Why are we sharing the road? I do not like seeing a pushbike in front of a 70 tonne bus. It is sharing the road alright but it is damn dangerous. We should be separating and designating.

New Zealand has it right. No-one has any doubt when they are in a pedestrian priority zone as to who has priority. But the problem with our jurisdiction is that we have to go to the federal sphere to get them to change the term under the Australian road rules. I would love to see it brought in right across Australia. I think a lot of the bureaucrats said, "It is going to cost us so many hundreds of thousands to change all the signs" rather than creating an environment in which the pedestrian reigns supreme. The same idea would be in shared zones and shared paths: It would be a Pedestrian Priority Zone, and may be a big 10 underneath it. I think that would work.

Reverend the Hon. FRED NILE: You have mentioned the 100 per cent increase in pedestrian deaths. You said you do not know why. Have you had a chance to think about it? Do you have an explanation for that?

Mr SCRUBY: No, and it is devastating. By the way, generally when there is a pedestrian death there are between 10 and 20 injuries. Apart from the pain, grief and suffering this is where the real cost comes into road trauma. Pedestrian injuries are very expensive. Brain damage or quadriplegia can be up to \$20 million for lifetime care. This should worry every one of us here.

CHAIR: It is in your submission and I am conscious of time.

Mr SCRUBY: I did not finish your question, did I? I do not know the answer.

Reverend the Hon. FRED NILE: Do you have any explanation for it?

Mr SCRUBY: Sometimes it can be two years before the Coroner's report comes out as to these deaths. We only see the numbers. We still do not have any data in the pedestrian breakup of the age, sex or place, all of these things, and then the injuries can come two years later.

Reverend the Hon. FRED NILE: I note that you are very critical of the idea of planning for so many deaths per year. Do you think that your contention that we should have an objective of zero pedestrian deaths is practical?

Mr SCRUBY: It is practical because of—it is moral rather than practical. No-one should plan for one death. Linfox has a zero thing for everything, and they sack their employees if they don't comply. I am a member of the road trauma committee of the Royal Australasian College of Surgeons. We have a 2020 vision of zero—we have actually put a date on it. If we fail bad luck, but at least it is a target. We should not be planning to kill 3.9 people per 100,000 in New South Wales by 2020. That is our view.

Mr CHRIS HOLSTEIN: I have a very quick question and the answer to it is a simple yes or no.

Mr SCRUBY: Are you giving me a hint there?

Mr CHRIS HOLSTEIN: Yes, I am. I appreciate your opinion on shared zones but do you believe cyclists should have a speed limit imposed in shared zones?

Mr SCRUBY: They have; it is just not enforceable. Are you talking shared zones or shared paths?

Mr CHRIS HOLSTEIN: Sorry, shared paths.

Mr SCRUBY: Absolutely, 10.

CHAIR: Mr Scruby, you want to briefly speak about your ideas on motorcycles. Please keep your comments to two minutes.

Mr SCRUBY: I implore the Committee to look at this seriously and to have a good talk to the Minister. This is one of the most ridiculous bits of legislation I have seen. I have just done an FOI on it. Just to fill you in on how it is supposed to work, we all know motorcyclists filter. We know they all do it. One of the biggest problems for pedestrians is they go right up to the front of the queue, then they go across into the pedestrian crossing to wait to get in front of the queue and then be first off which takes away our safety. But more importantly this new law will allow them to filter. We are talking of speed limits of up to 30 kilometres an hour—we thought it was going to be stationary—but now it is slow moving vehicles. We all know that laws that cannot be enforced are not laws. Could anyone around this table tell me how a police officer is going to stand between slow moving traffic and book a motorcyclist for doing over 30 kilometres an hour?

The Hon. RICK COLLESS: He has a registration plate on his bike; that is the difference.

Mr SCRUBY: But how does he determine the speed of that vehicle as opposed to the others?

The Hon. RICK COLLESS: But if the police officer thinks he is acting illegally at least he has a registration number on his bike that the police officer can follow up.

Mr SCRUBY: But he cannot book the motorcyclist for speeding. How does he know what speed the motorcyclist was doing? He has nowhere to stand. He cannot stand in the middle of the road.

The Hon. RICK COLLESS: If the traffic is moving at 40 kilometres an hour and there is bike lane filtering, obviously he is breaking the law.

Mr SCRUBY: No, he can do up to 30 kilometres an hour.

The Hon. RICK COLLESS: I understand that but if the traffic is moving at 40 kilometres an hour and there is motorcyclist lane filtering obviously he is breaking the law.

Mr SCRUBY: I bet you in a year not one cyclist has been booked for speeding while filtering. My main point is that it goes right back to fault and blame. I can assure you—I am not going to name them—there are people very concerned about this who are in the top echelons of road safety. The main point is that a pedestrian can cross any road at any time with safety, providing it is not against a red light or flashing red light or within 20 metres of a pedestrian crossing. Go into the city now and watch how many thousands of people are crossing mid-block. Whether you agree with it or not it is the law. With this new law, as they walk across that road and walk between parked cars or stationary vehicles, and a motorcyclist comes between those vehicles, if they are hit the motorcyclist is at fault.

The Hon. WALT SECORD: I am still not absolutely clear on your objection to lane filtering. Will you explain your objection one more time but be mindful of the time?

Mr SCRUBY: Fault and blame. At the moment it is clear when a motorcyclist filters it is all up to him. He will always be at fault if he hits someone else. For instance, let us leave the pedestrian for a minute. Let us say that you and I are at the lights in our motor vehicles and we are about to take off and a motorcyclist comes up in between and we crush him. Now that is quite possible and it is happening—three have occurred in Victoria recently. Who is at fault? The motorcyclist is at fault at the moment, black and white, but the minute the motorcyclist comes up under this new law who will be at fault? I am sure—I am not stating it—the police and the insurance companies are very worried about it.

Who will be at fault after 1 July when the pedestrian walks between those stationary or slow moving vehicles and is hit by a motorcyclist? More importantly this proposed law says they cannot pass trucks. How do you know it is a truck until you get up to it and it states on the truck "4.5 tonnes or more"? Finally, if it is not dangerous why is it going to be banned in school zones? Please revisit this. Victoria has decided not to go ahead with it; not one other jurisdiction has embraced it. We were never involved. The only people involved in this trial were the police, the Motorcycle Council and City of Sydney and the RMS. No-one else was involved in this.

The Hon. WALT SECORD: That is a lot of consultation and I am not defending the Government.

CHAIR: We do need to wrap this up but thank you for raising it.

Mr SCRUBY: Where was the NRMA?

CHAIR: You have made an important point and you have raised issues that have not been raised in other submissions. If the Committee has any further questions it will submit them in writing.

(The witness withdrew)

PETER GEORGE IVANOFF, Delegate, Motorcycle Council of NSW, and

CHRISTOPHER JAMES BURNS, Facilities Manager, Motorcycle Council of NSW, sworn and examined:

CHAIR: It is good to see you without a brace on your leg which I know you will be talking about a little later. I draw your attention to the fact that your evidence is given under parliamentary privilege and you are protected from legal or administrative action that might otherwise result in relation to the information you provide. I also point out that any deliberate misleading of the Committee may constitute contempt of the Parliament and an offence under the Parliamentary Evidence Act 1901. As time is limited at this hearing, the Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide written replies to any further questions?

Mr BURNS: Yes, absolutely.

Mr IVANOFF: Absolutely.

CHAIR: Do you want to make a brief opening statement?

Mr IVANOFF: I believe that the issues today are to do with speed zoning and the demerit system. But in relation to the submission that we have written I think there are significant background issues relating to the whole issue to do with how speeding is decided, and claims that speeding is the biggest killer on our roads. I hope that during the course of today I might get the opportunity to dispel some concerns, issues and questions about that.

CHAIR: Absolutely. I am sure if you do not wish to do that now a member of the Committee will ask questions along those lines. Mr Burns, do you want to make any remarks at the outset?

Mr BURNS: Determining speed zones is an incredibly interesting phenomenon in New South Wales. I have just literally flown in from Europe. I drove 3,500 kilometres around Europe—behind the wheel myself—which included the United Kingdom, France, Belgium, Luxemburg, Germany, back to France and then down to Spain. They do not micro-manage their speed zones. For instance, today we travelled here from Annandale which is a distance of 5.8 kilometres and we went through seven different speed zones. That is a change in speed zone every 828 metres—micro-managing it.

Europe essentially has about four speed zones. You are looking at 30 kilometres an hour in high pedestrian areas, 50 kilometres an hour in medium density pedestrian areas, 70 kilometres an hour through towns and main roads, for example, Parramatta Road. You get out to country roads, they are 90 kilometres an hour and freeways are 110 to 130 kilometres an hour. These are in countries that have a lower fatality rate per 100,000 population than Australia. They are not micro-managing it but they are still getting the results. For some reason we are micro-managing speed zones.

You may get one incident in 10 years with the unfortunate result of multiple fatalities and they will then drop the speed zone from 100 kilometres an hour—it may have been at that speed zone for the past 10 years without incident—to 80 kilometres an hour, going against recommendations of the commission of inquiries on that section of road. So there does not seem to be any rhyme or reason as to what they are doing in New South Wales and it is leading to people being confused about what speed they are supposed to be doing where and, as a consequence, getting pinged and losing their licence through demerit points.

CHAIR: The submission of the Motorcycle Council questions the validity in reporting of crash data, pointing to the language used by State authorities and the wide range of statistics used. Will you expand on the perceived weaknesses of that crash data and suggest how it should be made more informative?

Mr IVANOFF: One of the biggest problems that I think this country faces, let alone this State, is that there is not across the State policing jurisdictions a uniform standard process or measure in approaching the way in which crash statistics are collected, gathered, recorded and so on. That is probably one of the biggest problems that we face straight away. The other issue that I would like to mention is that when police routinely attend crashes, as they do, the average person would probably feel or believe that the police conduct a thorough investigation, establish the cause of a crash and record that accurately. That would be the immediate presumption that most people would make.

Mr BURNS: Can I interject for a second? As a bit of background information, Peter is also a former New South Wales Police Highway Patrol Officer. He lectured at Goulburn Police Academy on police procedures for many years.

Mr IVANOFF: Nineteen years.

CHAIR: Thank you; I noted that in the submission.

Mr IVANOFF: What happens is that when police turn up to a crash they have a predetermined or set agenda that they are required to follow. The agenda roughly works in this fashion. Upon receiving the call they make their way there as soon as they can, determined by priorities with whatever jobs are going on at the time. They arrive at the crash and the first thing they concern themselves with is to attend to the welfare of any injured or deceased persons, or whatever. If that is the case and there are serious injuries a separate investigative process then ensues. I can come back to that. I will put that to the side for the moment.

In a routine straightforward crash, once they are able to negate the necessity to preserve the scene—in other words, they can deal with the crash in a normal fashion and there are no significant injuries or deaths that they need to concern themselves with—their next priority is to ensure the free flow of traffic. They will try to

get the vehicles off the road as quickly as possible and get the traffic flowing again. Once they have done that they immediately turn to the absolute plethora of information they have to record statistically for the reports that they are required to generate as a result of their attendance at the crash. They record a whole heap of statistical information, not the least of which is the details of the drivers, registration numbers, what the weather was like and things of that nature. They go through a process of recording that information.

What then happens is the specific agenda drives the police investigation towards arriving at and determining whether a traffic offence has been committed. If so, police must then act on any commission of a traffic offence. So they are looking for culpability in relation to what has happened. Under the Australian Road Rules part of the process that the police will go through is a requirement for drivers involved in crashes to provide certain information such as their name, address, details of the car, et cetera. The biggest issue that we have though is that only a cursory requirement is placed upon any driver involved in a crash to provide an explanation of the circumstances of the crash.

The legislation itself is very limited in its wording and makes no qualitative assumptions or places a requirement on anything that a driver would say. Coupled with this issue—and I am sure all members of the Committee are well aware of this—is that not all drivers are insured. In contractual arrangements with insurance companies there is this issue of subrogation whereby the insurance companies—in fact it is written into the contracts—require that drivers do not say anything or admit liability or anything other than above and beyond what they are required to do by law. Thirdly, to exacerbate the issue with crashes, almost every traffic offence committed on the road is what is known as a strict liability matter.

So to question why a driver, when you are trying to arrive at cause, may or may not have done something does not even enter the minds of the police officers at the time because it is almost irrelevant in terms of where the police officers' agenda is taking them. What typically happens is police, on their set of standard operating procedures they have to follow when they turn up to a crash, "I arrive. I've got your name and address. I know who you are. You are the driver of that vehicle. I now require you to tell me in your own words just briefly what happened in the crash." Typically, the sort of thing that a driver will say is, "Well, I was driving down here and this idiot came out of here and I tried to brake but he came out too fast and I hit him." In other words, they do little more than state the bleeding obvious. That is recorded by the police officer, "Terrific, just read that to make sure it is correct. If you wouldn't mind, sign here for me, thank you." That is the extent of the investigation that takes place at just about every single crash.

CHAIR: How can that be improved, made more informative and useful, while obviously focussing on speed particularly?

Mr IVANOFF: What needs to happen is there needs to be a change to the directions made to police officers when they turn up to crash investigation. There should be an investigation of cause. There is what is known as a 13-point plan, which still exists under what is known as the standard operating procedures for police when they turn up to a crash, and the investigation of cause remarkably is not there and it needs to be. Until that is there, the determination about speed that we hear of all the time, that speed is our biggest killer and 30 per cent of fatalities are caused by speed, these figures are manufactured later on through the operation of TAS, the traffic accident database system that the RMS operates and not the result of information provided by police.

CHAIR: Thank you. I wanted to get some information on that so that we can obviously contemplate it in relation to the other hearings that we are conducting. The submission states—and I was intrigued by this statement:

RTA/RMS data appears to show that the majority of speed enforcement happens on roads that account for around 3% of the road trauma.

Can you advise the Committee which report you are referring to and provide us perhaps with that data?

Mr IVANOFF: Yes. Unfortunately I do not have that with me here. At the time that I made that statement in here it was a report. It was put out by the RTA at the time but I will have to chase it down. I do not have that one with me.

CHAIR: That is fine. It was just a statement that stood out because it was not supported and I was intrigued by that fact because clearly it infers that it is a minority concentration and one would have expected it to be wider spread. So if you could provide that it would be gratefully received.

Reverend the Hon. FRED NILE: You remarked on how many different speed zones you had to go through to get here. What is your recommendation in that regard, that we should just have the same four as you have quoted in Europe—40, 60, 80, 100?

Mr BURNS: I believe consistency would improve matters for drivers, pedestrians and the police. Yes, I agree, we should narrow it down and we should have less chopping and changing between the speed zones. Europe is interesting in the fact that they do not micromanage a set of corners for instance on a country road. They put up an advisory speed sign for it, whereas in New South Wales they might drop the speed limit from 110 to 80 on three or four corners and then raise the speed limit up again so you are going through so many chops and changes you really do not know what the speed limit is at any one time. So yes I agree that we should level it out and have fewer changes.

Reverend the Hon. FRED NILE: Do you have any recommendations where the police operate sometimes on a highway deliberately to catch drivers breaking that speed limit, where there may be no signs indicating what the actual speed limit is? Sometimes you can go on a highway for some distance and not see a speed limit sign, and suddenly there is a mobile police unit there charging people for exceeding the speed limit.

Mr BURNS: I do now know what to do with that and I have personally been sprung myself down in Canberra for exactly the same thing. Driving down the snow with my partner and we pulled over to the side of the road, stop, revive, survive, brewed up a cup of coffee, had a sandwich, swapped drivers. I got back in the car, country road, one would reasonably assume that it was 100 kilometres an hour limit. It was 80 and I got pinged by a roadside speed camera. Fortunately the Australian Capital Territory police are good enough to give me leniency on that because of my good driving record. I do not know what to do in that situation. You can only put so many speed signs up, but once again if we made it consistent with the types of roads that we had. Up until about five years ago, generally country roads were 100 kilometres an hour. Now they could be 100, they could be 80, they could be 70, depends on lobbying by local residents to local councils.

Another thing I have suggested to the NSW Police Force is rather than concentrating on speeding, they need to start looking at root cause for some of the accidents. Mr Scruby was good enough to send in a FOI some time ago that pulled up the data on other offences that the police have been booking drivers for and it is incredibly low. It would appear to the casual observer that they are just picking the low hanging fruit. It is a lot easier to sit on the side of the Hume Highway in a section that has had relatively low fatalities for quite a number of years because they have good target acquisition for their Lidar and they can simply sit there and just pick people off, get them for speeding and they then genuinely feel that they have done something to reduce the road toll.

Where I live in Annandale is opposite a police station with a stop sign right in front of the house. You can sit there out the front with a cup of coffee and you will get about four people a minute who do not stop for the stop sign. I have not seen anyone booked for that in the five years I have been living there, and it is opposite a police station. So this is all partly to do with building respect for the police, respect for the road rules and not just believing that if you are sticking to the speed limit you are therefore a safe driver.

Reverend the Hon. FRED NILE: There are some roads and sometimes the councils direct traffic away from the main highway to a secondary road which becomes like a highway and drivers assume that because there is a lot of traffic on that road it is a 60 speed limit. In fact, it is 50 and a lot of drivers get booked with a speed camera, not realising it is 50. The amount of traffic gives the impression it is a 60 zone. Do you have any views about that, where it is a main road virtually?

Mr BURNS: Again, consistent speed limits. You come down Parramatta Road it is a 60 kilometre an hour speed limit and then somewhere where it merges with Broadway it changes to 50. We know of a lot of people who have been caught with the new red light speed camera on the corner of Broadway and George Street, firstly because you come around the corner. It is a high pedestrian area, it has dropped to 50, you come around the corner, you are looking for pedestrians jumping out in the middle of the block somewhere. The 50K sign is hidden in the back scatter and they are essentially looking left and right for pedestrians as they go through and they will be getting pinched for 56, 57 going through the intersection. Again, a lot of people may not be aware that the speed limit has dropped there. It is not too clear. So, yes, better signage or, more likely, better consistency.

Reverend the Hon. FRED NILE: With the double demerits on holiday weekends, do you have any views on that, especially if drivers have been getting over a period of time one point here, one point there and getting up to half their quantity and suddenly they get six for the weekend and lose their licence?

Mr BURNS: There have been situations with the helmet laws in New South Wales where people have been coming through New South Wales from interstate and they are wearing a perfectly legally helmet purchased in Queensland that meets the Australian standards. It is not legal to wear it in New South Wales, they are unaware of it, double demerit points. That is six points for the rider, six points for the pillion. That is your licence gone for something that was not particularly your fault. Mr Ivanoff also has his views on the double demerit scheme over the past few years.

Mr IVANOFF: I think from memory double demerits, it was about 1996, 1997, sometime in that period of time when they introduced them, supposedly to arrest the holiday road toll, which was the whole primary purpose of it. I remember having discussions a couple of years back in the RTA offices in North Sydney with Professor Soames Job and a few of his other people and I asked them whether they had specific evidence that clearly identifies the impact of double demerits as opposed to any other specific strategy in terms of curbing the road toll. He was not able to provide that. What I do know from examination of road safety statistics over holiday periods from 1996-97 right through over the years, the holiday road tolls have gone up and down like a yo-yo. If you look at the statistics, you will get a good year, a bad year, good year, bad year and nothing much has changed all the way through.

If everything else remains reasonably constant in terms of your other enforcement efforts and you bring in a new strategy, it does not matter what it is—RBT [Random Breath Test] but we are talking about double demerits at this point of time—you would normally expect to see, if it is going to be effective, an immediate impact of that strategy being put in place. Then you may expect after a so-called honeymoon period there might be some slight level of fluctuation but you would certainly expect a new and reduced plateau in terms of where your road toll would sit if a particular measure has been particularly effective, such as we saw in the early 1980s when RBT came in and then it immediately dropped.

With the introduction of double demerit points, as I said, the holiday road tolls have just gone—there is your median line and it has just gone so all the way over the years. Nowadays I believe—when I say "nowadays" the last few years—holiday road tolls have reduced somewhat compared to where they were many years ago but there are many things that you could use to explain the significance of why that has happened. I am yet to see any significant evidence that directly points to the clearly and measurable the impact this is due to double demerits. I have not seen it.

Reverend the Hon. FRED NILE: Would you recommend that they be cancelled or re-examined?

Mr IVANOFF: I am just concerned that for certain offences such as Mr Burns has outlined, where you have a blanket double demerit system in place, someone can be adversely affected for a fairly innocent or fairly innocuous type of situation. I think it is a little bit unfair.

CHAIR: Thank you for addressing that issue. It was an important one directly related to our terms of inquiry.

The Hon. WALT SECORD: This is a bit of a left-field question. Are there any speed camera implications that are specific to motorcycles that we should be aware of? Is there anything unusual that your members point out or refer to involving speed cameras, mobile speed cameras?

Mr BURNS: Not that I can think of. There is one recent incident, and again it was the Broadway and George Street intersection where one of our members took evasive action. There was a vehicle coming through and it forced a taxi up onto the footpath and he accelerated out of the way. Of course, that vehicle did not stop, the cab driver went off on his own and it left this poor bloke with a speeding fine because he accelerated through the intersection. Some of the issues, we have got particularly rear end crashes. They are one of the highest number of crashes in New South Wales and you have to be particularly vigilant.

The Hon. WALT SECORD: Of people stopping at a red light camera. What do you mean?

Mr BURNS: People are coming up behind a rider and hitting the back of the rider because they are looking for the back of a car instead of paying attention to what is going on around them. We have a small

silhouette and evasive action for that is to accelerate out. You have either got to go left, right or just get out of the danger zone. Intersections are incredibly dangerous in CBD areas for motorcycle riders. Coming up to an intersection where there is a speed camera on it, I would much rather be keeping my eye on whether or not pedestrians are coming through, whether or not cross traffic has stopped, whether there is some goose in a Subaru WRX who is going to run the red light than looking down and worrying about five or six kilometres an hour over the speed limit coming up to the intersection.

We get hurt very easily. We are like pedestrians; we are very vulnerable. I would much rather, as I said, be looking out for issues or incidents that are going to happen than be worried about exceeding the speed limit by five kilometres an hour. I do not want to see red light cameras go but I think speed cameras at intersections should be moved so that people pay attention to the cross traffic and pedestrians. Red light cameras I firmly believe in, and again this is spending three years as a tow-truck driver in the eastern suburbs and being a first responder at a lot of really horrible accidents. So I have seen my fair share first-hand. I think they should be removed but leave the red light cameras there. They really do save lives.

The Hon. WALT SECORD: What do you think of the Minister's announcement of 40 kilometre zones for parts of Sydney's CBD?

Mr BURNS: Main traffic through there is not running at 40 kilometres an hour mostly anyway. As Mr Ivanoff said, studies from Europe show that anything over 30 kilometres an hour is fatal to a pedestrian so if you are going to be dead set serious about it drop it down to 30 kilometres all the way through the city or leave it.

The Hon. WALT SECORD: You would support dropping it down to 30?

Mr BURNS: Yes and we have written in our submission that high pedestrian zones would support a lower speed limit on that. You have also got to seriously attack what the pedestrians are doing. Once again, in another life I spent 12 months as a motorbike courier working through the city. As you well know, 50 hours a week in the saddle. There are some mindless people out there, seriously. They are just stepping off the footpaths, looking at their mobile phones and they really do not care. The quickest way to get hit by a bus is to stand in front of them. So let us get the police to concentrate on the basics. Rather than concentrating on speed and how fast you are going, let us go back to root cause. Start pulling up the pedestrians for what they are not doing correctly; start pulling up drivers for not stopping at stop signs and not stopping at red lights, for doing U-turns over double yellow lines—that is showing my age. They are white; they have been white for 25 years.

The 'speed kills' mantra was taken from an anti-drug campaign in the 50's or 60's and has now been applied to speeding. It has been around for 50 years. As we have stated in here the various States go from 40 per cent down to 20 per cent and there are studies in the United States of America that say it is only as low as 6.8 per cent as a causal factor in crashes. It is a factor in 100 per cent of crashes because you are moving, that is a speed. But excessive speed for the area they cannot pin down. I support the lower speed limit in the city, but I think it should be down to 30 personally.

CHAIR: You will see some people losing their licences on a Friday or Saturday night as they do the burn down George Street, which I have seen from the footpath.

The Hon. RICK COLLESS: Mr Burns, following on your comments a few minutes ago about pedestrians, do you think there needs to be more beat police in the city to keep an eye on those pedestrians that are potentially wandering in front of traffic while looking at their mobile devices and so on?

Mr BURNS: No doubt about it. There should be more beat police for a lot of reasons. Inner city crime is one reason. At Darling Harbour have them walking around in pairs rather than a group of six talking to each other about the football results. Yes, I do believe there should be a bigger crackdown on the basics. There is the rapid response group of motorbikes introduced by the council. They are doing a good job sitting on particular intersections with high visibility. When they are at intersections such as the corner of Market and Pitt Streets there is a lot of pedestrian activity across there that disregard what the lights have to say. They have a noticeable effect when they are sitting on the footpath either side and interacting with the general public.

The Hon. RICK COLLESS: Earlier in your presentation you gave the example with respect to speed zone changes on a country road from 110 reducing to whatever for a series of corners. Do you think that cruise control mechanisms have contributed to that problem by drivers failing to disengage their cruise control when

they see advisory signs as opposed to if you were driving actively and you see an advisory sign and you tend to take your foot off the accelerator and slow down a bit?

Mr BURNS: I could see that as an issue. Having attended a crash at Pheasants Nest where a gentleman in a BMW said he was on cruise control in the rain and he hit water, his words were, "The car just went crazy". It aquaplaned. It was on cruise control and he had no control. It gives people a tendency to sit in their car like it is a lounge room when you should be paying attention to what they are doing and that includes all three pedals, or two, and that round thing in front of you and whatever else is going on around you. Yes, get rid of cruise control. I do not use it myself, apart from the fact that it uses far too much fuel, but that is another story.

The Hon. RICK COLLESS: You were in the gallery when Mr Scruby gave his evidence and you would have heard his comments regarding lane filtering by motorcyclists. What is your view on lane filtering and the comments Mr Scruby made about it?

Mr BURNS: I think lane filtering is a very good idea. Personally I followed through with it. I do not lane filter myself, but I think it is a very good idea. It is common practice at the moment. There was an incredibly expensive study carried out by Roads and Maritime Services over a period of three months involving video cameras, test areas, control areas and they found that it is no more dangerous than any other activity at the moment. The only incident that they raised that was of concern to them involved a taxi running a red light at Market and Pitt Streets. That was subsequently removed from the study. The study results are available. There was quite widespread consultation on this.

It was raised at the Road Safety Advisory Council several times and Mr Scruby has a seat on that Council. There were more than 20 people involved in the lane filtering process and that included people from all areas of concern and all stakeholders. RMS or the Centre for Road Safety will be able to provide the minutes and a list of attendees and those who failed to attend. Consultation was quite widespread. It is decriminalising what is common practice. It is that simple. People are doing it all over the place and if you made bikes ride like cars it is going to be the equivalent of an extra 4,000 cars a day and it will choke up the centre of the city.

CHAIR: Bicycle riders already lane filter when they are using the roads. Is there any conflict with motorcycles in that circumstance where they both would group at the head of traffic at intersections?

Mr BURNS: Not that I have seen. There is a new breed of cyclist coming through at the moment—arrogant might be one word to describe them. They put themselves in dangerous positions. If you are not going to be quicker off the mark than the vehicle behind you at the traffic lights why get in front of them? You are only going to make them angry and 1 per cent of the population will do something stupid. One other comment about registration on pushbikes: the couriers already have registration numbers on them and it has had no effect. It has not changed the way push bike riders ride. It is one area left that is probably still a little bit free in our society in Australia.

CHAIR: What you are pointing at there is a lack of enforcement?

Mr BURNS: Registration does not appear to work on the courier riders. If you look at the courier riders they all have a number on their jersey somewhere and they are identifiable. Nobody uses it or identifies them so in the wider population is it going to work? Probably not.

CHAIR: I think if someone was hit they would try to recognise the number and report it.

Mr BURNS: True.

Mr CHRIS HOLSTEIN: You mentioned earlier the litany of speed zones. Can you comment on the variable speed zones such as the M1 north of Brooklyn where the speed limit changes depending on weather conditions? What is the Motorcycle Council's position on variable speed zones?

Mr BURNS: That is going up the hill northbound out of Brooklyn. Once again I noted in Europe that it is common practice. With rain in that area it does get fairly slippery because there is a parade of diesel trucks going up there and with a little bit of rain you lift the diesel off the road. I do believe it is a good idea. The full 90 kilometre zone was the wrong way to attack the problem of crashes going up the hill. What they should have done was stop the trucks from overtaking it each other and make them go nose to tail up the hill in the left hand lane. From anecdotal evidence and casual observation you have the three lane road and a truck pulls out in front

of vehicle that is doing 90, 95 or 110 kilometres per hour up that section of road and forces them across into a motorcycle rider or someone else. It is not the way to solve the problem. Make the trucks go nose to tail up the hill, make trucks wait their turn and stop the conflict in speed in that area.

Mr CHRIS HOLSTEIN: What is the Motorcycle Council's position on point-to-point speed cameras?

Mr BURNS: You are going to end up with what they do in Italy: They have a café set up at the end. People will still speed between the point to points and then pull up for a cup of coffee and a smoke. It is that simple. They get you on five kilometres an hour average over the speed limit. It is a victimless crime. What they should be doing is going back to what I stated before about cracking down on other offences and taking into account things like you get pulled over for 30 kilometres per hour over the speed limit you get an instant licence holiday of three months.

Again in my case—you are right I will refer back to it—someone causes a crash or injury like the driver who cleaned me up, who was not paying attention, and received a \$272 fine and three points and that was it. I had on fluoro, head light and a white bike. I got three and a half months off work, a two year recovery period and I still walk with a limp yet she has not heard a single thing back about that. If you want to stop crashes and fatalities make the people who cause crashes and fatalities pay a higher price and advertise it highly and make people pay attention to the road rules.

Mr CHRIS HOLSTEIN: Do you have any suggestions about the provision of rider education and training to improve safety and minimise the risk to riders and other road users?

Mr BURNS: Since the introduction of the pre-permit learner scheme across New South Wales and the ACT, which was about the mid-80s, the crash rate for motorcycle riders has dropped. We do not have air bags, ABS, seatbelts or any artificial electronic gimmickry and yet we have seen the fatality rate in the past 10 years on motorbikes go from 7.2 per 10,000 registrations down to 2.9. All we have got is training and the learner approved motorcycle scheme where you are put on a motorbike that has a limited power to rate ratio and you get training, pure and simple

Mr CHRIS HOLSTEIN: You are saying that is the most effective thing you have got?

Mr BURNS: Absolutely. If they applied decent driver training to drivers in the future it has been proven to work with motorcycle drivers, therefore it has to work with car drivers as well.

CHAIR: I want to make a reflection on your statement about point-to-point cameras and your experience in Italy about the cafe. Ironically, that actually complies with the RMS idea of stop, revive, survive. Perversely we do gain a benefit. I think that needs to be contemplated in the mix.

Mr BURNS: I concur with you, sir.

Mr DARREN WEBBER: You have expressed support in your submission for the eighty-fifth percentile method in determining speed zones we have had discussions about. Could you expand on that a little, given the current preference for the Safe System approach by the Government? What do you see as the strengths in the eighty-fifth percentile method?

Mr IVANOFF: The strength is simply this: the safest position that you can place a motorist into is when they are travelling within a traffic flow and everyone in that traffic flow is progressing at the same rate. It is the safest position. The moment you have someone who tends to drop behind, or alternatively wants to try and go faster, you start to create a disparity in the traffic flow and that is when the danger meter starts to go up. The eighty-fifth percentile method that is recognised and used internationally is not favoured here and I will not say too much more about that at this point in time.

The big issue with the eighty-fifth percentile method is that we are not embracing it here even though we know that the eighty-fifth percentile method is practiced and exists and that is where drivers drive at. I am sure that we have all been in a situation where if you try to drive down some stretches of Parramatta Road where the speed limit in place is 50 kilometres per hour—with that being the speed limit you should be driving at 40 something to make sure you do not go over it—watch what happens in the traffic flow.

Mr BURNS: You get swamped.

Mr IVANOFF: I have physically done that a few times for interest's sake with some of the subjects I am doing and students I have had, for personal experimentation purposes, and recorded the range of reactions and all sorts of things happening to me on the road. The big issue is that when that happens if you do not go with the eighty-fifth percentile and you set your speed limits according to the way they are in New South Wales you instantly create a subset of offenders who are driving illegally because they embrace the eighty-fifth percentile as a matter of behavioural progression on the roadway, even though that majority doing it all the time are not rampantly running around crashing as a result. If you study how many crashes happen per road user per so many thousands of kilometres the simple reality in this country is that fortunately crashes are a rare occurrence. I really struggle to understand what the rationale is in this State and anywhere else in this country for not embracing the eighty-fifth percentile consideration when setting speed limits. I have yet to see a sound argument against it.

Mr BURNS: If I can just add to that: Once again in Germany, on a couple of motorways there where it is an open speed, it is quite noticeable that everybody sits on around about 130 kilometres an hour because human beings, by nature, do not want to die and they do not want to kill themselves, so 85 per cent is about where your average is. Fifteen per cent are going to go faster. One or 2 per cent are going to drive like complete and utter nongs, and 15 per cent are going to go slower. We still yet have not determined what the effect of going too slow in traffic has on traffic conflict. Again, that is probably highlighted by the M1, which Mr Holstein referred to earlier, where they have dropped that down to 90 kilometres an hour. That is probably a good case for going to slow as well. It creates a danger to people.

Mr CHRIS HOLSTEIN: But with the trucks, though, you were pointing that out.

Mr BURNS: Yes.

Mr DARREN WEBBER: On country roads, particularly north of Urunga on the national freeway where you have overtaking lanes and you have that bottleneck where you will be behind a slow a vehicle and everyone tries to get past them before the overtaking lane ceases for another couple of kilometres, we have had some views expressed in terms of momentarily breaking speed limits to get around a slower vehicle. Do you have any opinions on that?

Mr BURNS: A motorcycle can clear a truck in probably a second and a half, a speeding truck. The acceleration on a motorcycle is incredible. We will be sitting at 100 kilometres an hour in third gear of a five-speed gearbox, crack the throttle open and we would be up to 140 to get past a truck incredibly quickly, and then good brakes and back on. A car cannot do that. A police constable does not understand why we have suddenly clicked 130-140 to get past a truck. I believe that there is probably room for that. You know, 130-140 to clear a truck is a bad example; it is probably far too high. But, once again, the less time you spend in the danger zone, the better chance you have got of survival.

Mr DARREN WEBBER: So it is a recognition of that bottleneck being a dangerous zone as a result of the speed limit.

Mr BURNS: Yes.

Mr IVANOFF: Again, you are quite right, Chris, in what you were saying. The driver in that situation is immediately faced with a choice: Okay, do I overtake? If I do so in order to do so as expediently as possible to minimise other considerations of danger, you are going to go way over the speed limit, whether it is 20 or 30 kilometres an hour, momentarily to get around that person.

Mr DARREN WEBBER: Once the decision is made to do so.

Mr IVANOFF: Yes. All the other decision is that that in itself present some inherent dangers in doing that, so, no, I had better sit behind this car. Then, of course, if everyone takes that view that way, then you end up with this traffic situation and it creates a danger. It is one of the perfect arguments—and I know it costs money and it is not subject to the revenue-raising debate—where numerous enforcement efforts have been tried in relation to speeding in a number of locations over many, many years. The immediate and the best fix will always be the engineering and road environment situation where you are going to simply eliminate those problems. I know, as I said, that is expensive but ultimately in the long term that is exactly what has to happen.

You minimise the number of situations and occasions when drivers are placed in that situation and they have every opportunity to move through the traffic very much more easily.

Mr DARREN WEBBER: You may have touched on this, but just for the record to be clear: The membership of your council would prefer high visibility police operations as opposed to covert?

Mr BURNS: No doubt about it.

Mr DARREN WEBBER: Is that something for genuine reasons in terms of awareness and changing behaviours as opposed to just simply getting around enforcement?

Mr BURNS: Casual observations show that high visibility policing slows people down for quite a long period of time. If they are hiding in the shrubbery and nobody sees them, nobody is going to slow down.

The Hon. RICK COLLESS: Particularly if you see another one 10 kilometres down the road.

Mr BURNS: Yes. The current crop of Highway Patrol cars at the moment are unmarked from the front.

Mr DARREN WEBBER: Yes.

Mr BURNS: That needs to be changed.

Mr DARREN WEBBER: I agree.

Mr BURNS: That really needs to be changed. As much as the Queensland campaign about 15 years ago was laughed at—where they used to cardboard cut-outs of police cars and a police officer standing next to it—it actually worked because from a distance nobody could tell the difference between a real one and a fake one. They were given a hard time about it, but it worked.

Mr DARREN WEBBER: And the immediacy of a police officer pulling you over as opposed to a speed camera and getting a demerit notice of the offence in the mail two or three weeks later, do you see the immediate pullover being far preferable?

Mr BURNS: Yes, I personally do. Peter, you have been on the other side of the book.

Mr IVANOFF: Yes, it is true. I have had my share of booking people in a different life. I have heard people make an argument about that very point—that there is a much more salutary effect of being dealt with straightaway—but for me personally it is difficult for me to agree or disagree with that because, having been on the other end, I still see someone being dealt with ultimately one way or another. From what I hear, and again it is only anecdotal, there seems to be a preference by most people I have spoken to for it being better to be dealt with straightaway rather than being flicked something later on: "When the hell was that? I don't remember that." They become a lot more resentful about the whole process rather than seeing it as almost an educational tool to say, "You do the wrong thing, you need to be dealt with expediently and wear it", sort of thing.

CHAIR: Flashing lights tend to have the same effect if they are white bright lights in your rear vision mirror.

Mr DARREN WEBBER: Yes.

Mr BURNS: Yes.

CHAIR: Gentlemen, sadly we have come to the end of time for our questions. We thank you for appearing before the Committee today and bringing us your expertise. If you have any further points you wish to raise, Mr Ivanoff, you would be welcome to respond in writing to questions and to add your responses to those.

Mr IVANOFF: Yes.

CHAIR: Thank you very much.

Mr BURNS: Thank you all very much for the opportunity.

(The witnesses withdrew)

(Short adjournment)

MARK WOLSTENHOLME, Senior Policy Adviser, Traffic and Roads, NRMA, 9A York Street, Sydney, sworn and examined, and

LUKE TURNER, Senior Policy Adviser, Road Safety, NRMA, 9A York Street, Sydney, affirmed and examined:

CHAIR: I draw your attention to the fact that your evidence is given under parliamentary privilege and you are protected from legal or administrative action that might otherwise result in relation to the information you provide. I should also point out that any deliberate misleading of the Committee may constitute contempt of the Parliament and an offence under the Parliamentary Evidence Act 1901. Time is always limited at these hearings and the Committee may wish to send you some additional questions in writing the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Mr TURNER: Yes.

CHAIR: Before we proceed with any questions would you like to make a brief opening statement?

Mr WOLSTENHOLME: Thank you for the opportunity to speak before the Committee this morning. We kept our submission deliberately succinct. I have been here over the last couple of days listening to some of the other people who have attended the Committee. I suppose we have ideas on quite a few of the questions that members have been asking, in particular, about visible policing. We produced a report a couple of years ago which we would be happy to table for the Committee. It contains a lot of information about what our members believe about visible policing and also some research on the effects of that. We also have some ideas on how we can influence driver behaviour with the carrot approach as well as the stick approach and some overseas examples that we can share with the Committee.

The Hon. WALT SECORD: Can we just jump straight in with questions because there are lots of interesting things?

CHAIR: I will just ask him the question I have posed to some of the witnesses that you will be well aware of about the stunt that was slammed as reckless by the police, which was *Wheels* magazine commissioning a journalist to drive at 130 kilometres an hour between Melbourne and Sydney. It states, "we drove from Melbourne to Sydney at 130km/h, didn't die and didn't get booked". It went on to say, "British journalist behind the wheel Ben Oliver slowed for more than a dozen speed cameras and stuck to the limit in all other speed zones except 110 km/h sections." I would like your views on that in relation to Australian highways, speed zones in general, enforcement and point-to-point cameras?

The Hon. WALT SECORD: Before he answers that, I feel compelled to defend the readers of *Wheels* magazine. This is the fifth attack you have made on this magazine.

CHAIR: This is not an attack; this is an observation of an event that occurred, which relates directly to the terms of the inquiry.

The Hon. WALT SECORD: It is your fifth attack in two days.

CHAIR: It is a good lead.

The Hon. WALT SECORD: Knock yourself out.

Mr WOLSTENHOLME: Thank you. Well, I suppose the good thing is that he slowed for the speed cameras and the speed cameras are supposed to be at black spots so obviously the speed cameras there were a deterrent. We are not really seeing a great push from our membership to increase the speed limit from 110 on our highways. I think people are reasonably comfortable with that. People who have been to Germany and had

some other overseas examples sing the praises of what is happening over there but in an Australian context there is a general view that speed obviously has an influence on crashes and we are definitely not getting that feedback from our membership that speed should be increased. That is not to say that on the Hume, for instance, you could not increase the speed limit if the right safety devices are in place but we do not see that push at the moment.

The Hon. WALT SECORD: This is the second piece of evidence we have had where someone has actually said that in New South Wales the Hume Highway is probably the only place that you could increase the speed limit. Do you agree with that?

Mr WOLSTENHOLME: A lot of investment has happened on the Hume and it is about getting the best value for money from this investment. We are talking about having B-triple trucks on the Hume Highway and our view has always been if we are going to have big trucks mixed in with light vehicles, then we need to make sure that the trucks themselves have the right safety features and also that the road is up to scratch, so feasibly it could be increased.

The Hon. WALT SECORD: The NRMA has said quite a bit about speed cameras and high visibility policing. In 2011 the Roads Minister, Duncan Gay, said in the annual report that they wanted to look at point-to-point cameras going to all vehicles. At the moment it is only heavy vehicles. What would your membership say if the Baird Government extended point-to-point cameras to all vehicles in New South Wales?

Mr WOLSTENHOLME: At the moment I believe the Minister's view is that they should only be for trucks.

The Hon. WALT SECORD: That is current view.

Mr WOLSTENHOLME: My understanding is they were introduced to reduce the heavy vehicle road toll, which at the time was going through the roof and RMS and the police have had a lot of success obviously in targeting heavy vehicles recently. We backed the Government position and that is our formal policy position at the moment.

The Hon. WALT SECORD: What would you say if it was extended to all vehicles because in the 2011 annual report there was a reference to extending it to all vehicles?

Mr WOLSTENHOLME: Yes. I think it is something that we would have to look at. The way that it is currently signposted it does not actually say targeting heavy vehicles at all, so I think there is the perception from a lot of the community that they are actually enforcing it on light vehicles.

CHAIR: The point about raising that article was that had they been in operation for light vehicles, that particular action would have been detected, so I wanted your views. So there is no NRMA position on this, based on overseas experience, for instance?

Mr WOLSTENHOLME: There is certainly a view from our membership that there are a lot of cameras out there and this would just be another camera. We know that point-to-point cameras are reasonably expensive to install and operate. Certainly from overseas, for instance in the United Kingdom, they are used a lot during roadworks on motorways and I think the research I have seen certainly shows they are quite effective. It is quite hard for the police to enforce those sorts of zones. Having said that, in an Australian and New South Wales context, we are still saying they seem to be very effective at policing the heavy vehicle speed limits. If we are talking about introducing more cameras for motorists, if we are not careful we will start to get into the revenue raising argument again.

The Hon. WALT SECORD: Do you think we are in the area of revenue raising now?

Mr WOLSTENHOLME: I think we have been successful over recent years. We managed to get speed camera revenue hypothecated to road safety. We now have the position where mobile speed cameras have all the warning signs and the vehicles themselves have reflective tape on them.

CHAIR: At the other end of the spectrum as opposed to the enforcement, do you see a role for electronic advisory signs? I refer to one that exists on the Hume Highway in Victoria—and based as I am in Albury I am aware of roadworks and all other movement on the Hume Highway—which tells motorists their

speed, advising them so that they can compare it to their speedometer reading. That is useful mechanism. Is there a role for similar types of electronic advice as you enter speed zones that might differ to the norm, in other words, entering towns or urban areas, as used commonly overseas with the smiley faces? Do you have any comments on that?

Mr WOLSTENHOLME: Absolutely. The research I have seen from Queensland and Victoria in particular says that these things are very effective; so whether it is reducing speed, giving a message during wet weather, those sorts of issues today, whether it is just warning motorists that there is a curve coming up or whether it is warning them that there is a change in the speed limit, it certainly can be very effective. They are also quite cheap, in the region of \$10,000 to \$20,000.

CHAIR: Yes, I notice they often operate from solar panels as well?

Mr WOLSTENHOLME: Yes, absolutely.

CHAIR: The NRMA submission queries the data collected by RMS on accidents caused by speed in New South Wales and contrasts this with reports from other jurisdictions. Can you elaborate on the distinction made in your submission between inappropriate speed and exceeding the speed limit?

Mr TURNER: The issue for us is that—and it has been raised in a lot of submissions—the statistics we get in New South Wales are different to what we see overseas. For example in New Zealand it is something like 20 per cent and 21 per cent in Queensland. It would make it easier for organisations like ours to draw comparisons between jurisdictions and evaluate how effective certain policies have been compared with our neighbouring States if there was some kind of consistency in the way those statistics are reported. I do not know if you have anything to add to that, Mr Wolstenholme?

Mr WOLSTENHOLME: I suppose in recent years there has certainly been this big focus on speed and speed obviously is only one factor, so the visible policing and the visible cameras certainly helped in the hypothecation of the speed camera revenue. But I still do not think that a lot of people are getting the message that speed is bad. For example, if you are travelling one kilometre over the limit it is still a high-risk activity. Generally I do not think the general public believe that. That really then feeds into: If speed is this big issue, as we keep being told, then how do we influence behaviour? At the moment it gets us into that carrot and stick approach—the stick is obviously the cameras and enforcement, the carrot approach we have quite a few ideas on. I suppose it is about getting the message out. It is more than just telling people that speeding is bad; it is about influencing behaviour.

CHAIR: The variable message board is already playing a role, is it not, in advising of adverse weather conditions on major highways?

Mr WOLSTENHOLME: Yes.

CHAIR: Do you anticipate that we will see more of those rolled out?

Mr WOLSTENHOLME: I hope so. The first approach here seems to be if there is a crash problem they reduce the speed limit and if the speed sign does not work then they put a speed camera in. These vehicle-activated signs can have a really positive benefit without the need for the enforcement side.

Mr DARREN WEBBER: The NRMA publically endorsed the discounted licence renewal, which was appreciated. In your submission you also talked about potential motor tax rebates and insurance. How do you see that being implemented? Is that something the Government will have to lead to ensure that all insurance companies are on a level playing field?

Mr TURNER: That example is not an official NRMA position, it is more an example of how you can provide more carrots, I guess.

Mr DARREN WEBBER: It is something I am supportive of. How would you see that being implemented across the board?

Mr TURNER: Obviously if we start talking about CTP it becomes complex when you are bringing in non-government parties. Things like further discounts on your licence or the motor tax for your registration

renewal were just some ideas of how you can reward someone who goes through two five-year periods accumulating no demerit points, someone who I would say would be a pretty safe driver. They are some of the ideas that we have thrown around, but we do strongly support the discounted licence. We think that the carrots are just as important as the sticks, and for certain drivers they are much more important. With regards to how that could be implemented, we have not really explored it in much further detail.

Mr DARREN WEBBER: The Committee has heard from some witnesses that they would like a reduction in the number of different speed zones—one witness even suggested that four different speed zones would be enough. You are going the other way in suggesting that 70 kilometres and 90 kilometres are quite an important part of the speed zone package. Can you elaborate on that?

Mr WOLSTENHOLME: Our issue has been that we do not want to see multiple changes in the speed limit. We do not have an issue with 70 or 90 kilometres, providing it is deemed to be safe for that section of road. We have vast sections of regional highways, for instance, at 90 kilometres an hour and there is no change in the speed limit along them for kilometres. In other words, we do not see that as an issue; it is more where you are going from 40 to 50 to 60 to 70 kilometres, the chopping and changing.

Mr DARREN WEBBER: So provided there is not a high volume of changes in your route, you do not see a package of different speed zones as an issue?

Mr WOLSTENHOLME: No.

Mr CHRIS HOLSTEIN: In your submission you query the data collected by Roads and Maritime Services on accidents attributed to speed. Are you concerned about the accuracy of crash data provided by the Government in relation to the involvement of speed and other factors?

Mr TURNER: As we have touched upon, it is a consistency issue for us. We think that it may lead to an over simplification of the messaging that we get on speeding and detract from some other factors, which are also a factor in road accidents. No-one would dispute that speed is a factor in a high proportion of serious accidents and fatalities, but as you can see—and other submissions have pointed this out—there is quite a variance between different jurisdictions on the reporting of speed. We know that it is the difference between the advisory speed and excessive speed but, like I said, we think maybe in terms of the safety messaging it leads to an over simplification of what the issues are.

Mr CHRIS HOLSTEIN: In your submission you talk about the Speed Awareness Course in the United Kingdom. How would you see a similar approach working in New South Wales?

Mr TURNER: As you have pointed out, our submission suggests that in lieu of accumulating demerit points—in the United Kingdom it is also the monetary fine—drivers should have an option of taking a speed awareness course. The report that we reference in our submission cites that around 90 per cent of those people who undertake the course report a change in their behaviour behind the wheel and in applying what they learnt in the course. We believe that there is a safety benefit there and if you implement it properly it is not an easy way out of being penalised. In fact, it could be a way for people in certain circumstances to avoid significant hardship if they get a licence suspension and they are unable to work or to get to work. All of a sudden a speeding fine that is accumulative with four or six demerit points is not so costly in terms of potential hardship.

Mr WOLSTENHOLME: As Luke says, it is absolutely about changing driver behaviour. The beauty of this course also is that it appears to be at no cost to government in terms of funding the course—it is paid for by the motorists themselves—and the results are quite compelling. We definitely see it as something that we would like to see in New South Wales.

CHAIR: Clearly, as you indicated, for professional drivers there would be a trigger when they were nearing the loss of licence. But do you see it as something you would encourage as a voluntary course or is it something that you would see being rolled out on a wider scale?

Mr TURNER: I believe the UK course is for low-level offences so it would not be any easy way out for a serious offender. I do not believe there is a trigger point in terms of where you are at with your accumulation of demerit points. It could be the case, if there was one in place, that someone takes the course so that they can get their discounted licence. We believe that it should be an option but the primary reason is for the potential of avoiding that hardship.

Mr CHRIS HOLSTEIN: Over the past two days the Committee has had a lot of discussion about the behaviour of cyclists and speed in particular being a factor. In that discussion the proposal of vehicles keeping a distance of one metre from cyclists was raised. First, does the NRMA have a position in regard to that interaction with cyclists on the road? Secondly, does the NRMA have an opinion as to that proposal?

Mr TURNER: Our position is similar to that of the Government: We are keenly watching to see how the trial in Queensland goes. We think there could be some issues for enforceability. As was pointed out in evidence yesterday, it is introducing a kind of lateral judgement and that would be a new idea for a lot of drivers. Also, as in the evidence from the Motorcycle Council of NSW, there is also scope for the existing provisions of the legal system to better protect vulnerable road users when matters end up in court. In summary, our position is that we support the advisory passing distance of one metre and we are waiting on results from Queensland to see how workable the rule is there.

Mr WOLSTENHOLME: It is also worth pointing out that we are working with the Amy Gillett Foundation and the Centre for Road Safety, we are partnering with them on this. We see this as being very important as part of the Share the Road issue. One metre is very similar to what you see on railway stations with the yellow line. I think in people's minds they understand the need to keep one metre apart. Whether it is one metre or one-and-a-half metres, it is all about giving people space.

The Hon. RICK COLLESS: I go back to the speed limits debate. Do you think the current ranges of speed limits on our different road classifications are appropriately set?

Mr WOLSTENHOLME: The Centre for Road Safety and Roads and Maritime Services are going through a process at the moment of reviewing speed limits on multiple roads. In our submission we made comments about one particular road: Cleveland Street, in particular between South Dowling Street and Anzac Parade. That street is classed as a 50 kilometre street. Cleveland Street to the west of South Dowling Street is 50 kilometres an hour. I think people can understand why that area would be 50 kilometres—that is where all the restaurants are and all the street activity. But the bit to the east of there is a big wide street and to be honest it really does not give the appearance of being a 50 kilometre street. It is a sparsely different street to the one I live in, for instance. People could feasibly come off the Eastern Distributor at 80 kilometres an hour, heading towards Moore Park, and they would not necessarily be familiar with the area—all the sporting events at Moore Park and the Sydney Cricket Ground. I think a lot of people are getting caught out. I looked at the camera statistics this morning and the camera in Cleveland Street is consistently catching high numbers of people.

The Hon. WALT SECORD: It is one of the most lucrative in the State.

Mr WOLSTENHOLME: You could put it that way. It has been in the top 20. It is currently number three and last year it was number three. In 2011-12—there are two cameras running in each direction—it was two and three, one and three prior to that, and number one in 2009-10. To get back to answering your question about the eighty-fifth percentile, that is clearly showing that a lot of people are travelling in excess of the speed limit. We can either use the eighty-fifth percentile, or in this case we have got clear data, to show that people are not complying with that speed limit. That is where we should be using this data. We should use the eighty-fifth percentile or the speed camera data and where we know we have a problem consistently year in, year out—

The Hon. RICK COLLESS: Is there a history of accidents and crashes on that section of road?

Mr WOLSTENHOLME: No, not that I believe. The other issue is compounded because there is a 40 kilometre an hour school zone there. When you have a school zone, it has flashing lights—I believe the majority of people are being caught not in school zone hours but outside school zone hours. In a 40 kilometre an hour school zone you cannot put any other speed sign, so they cannot reinforce the 50 kilometre an hour limit. It gets back to the street not giving the appearance of a 50 kilometres an hour street in my view.

The Hon. RICK COLLESS: The Committee heard evidence yesterday from government representatives that they used the horizontal and vertical alignment of roads as one of the factors, amongst many others, to determine speed limits, particularly on major highways. Have you had any consultative meetings with other authorities about speed limit guidelines and subsequent changes to speed limits?

Mr WOLSTENHOLME: The NRMA has been involved in some of the route safety reviews with RMS and the Centre for Road Safety and that looks in detail at where the fatalities and serious injuries are

happening. I think the issue with speed limits is that they have to be credible. If we are going to reduce the speed limit we either have to change the environment to make it easier for people to comply or we have to give them a reason. If people are running off on the curve, my view is that we should try to tell them that it is a high crash risk area and we are reducing the speed limit. I think simply putting in a lower speed limit does not necessarily change behaviour.

I have heard both today and yesterday a lot of people talk about the issue of having to look at their speedometer. Whenever they see a speed sign in New South Wales basically they have to look at it and then look at their speedometer just in case that speed limit has changed. Obviously we would prefer that people are looking at the road and that the road environment itself would influence their behaviour so that they understand there is a curve coming up and they are looking for the curve as opposed to looking for speed signs.

The Hon. RICK COLLESS: Virtually all new cars now have cruise controls. Do they provide an area of danger for people, as was described earlier, sitting back in their lounge chair and letting the car drive itself rather than actively managing the speed themselves particularly in relation to advisory signs?

Mr WOLSTENHOLME: I am not an expert on this technology but I can say that when I drive to Canberra there is one corner as you are heading towards the Australian Capital Territory where you suddenly have to switch off the cruise control. You can imagine that anyone who was not paying attention would probably go around that corner too fast.

The Hon. RICK COLLESS: The only time I use it is on the freeways because of that problem. On other country roads I think it is too dangerous to use cruise control. Do you have any suggestions as to ways to improve the setting of appropriate speed limits?

Mr WOLSTENHOLME: I think it just gets back to being credible. If we want people to comply with speed limits, which is the aim, obviously they have to understand why the speed is set in that area. I have been a big advocate for gateway treatments as we go into towns, so a speed sign on both sides of the road but also trying to change the environment at that point. It may be before you get to the built up area and the speed limit may be down to 50 because there is one house, for instance.

The Hon. RICK COLLESS: The Committee heard evidence yesterday that that type of approach is called self-explaining roads.

Mr WOLSTENHOLME: Yes, that is right. It is all about trying to change the behaviour. We were successful in getting the gateway treatment in Urunga which was the scene of that tragic crash where the B-double went into that house and killed a young boy. I suppose the beauty of gateways is that it can be localised. So in some locations you can have dry stone walls, you can have the local community getting involved in designing the gateway and it makes it a bit more personal and tells people to drive slowly through their area.

CHAIR: I think the Hon. Walt Secord wants to ask a question in relation to the lower range of speed zones.

The Hon. WALT SECORD: I will be brief. How do you feel about the arbitrary nature of the drawing of the maps, and what is your general view in relation to the 40 kilometre zones introduced by the Minister for Roads and Freight, the Hon. Duncan Gay, in the central business district?

Mr WOLSTENHOLME: We heard from the motorcycle people before that they are focused on pedestrians. When you drive through the central business district there is so much going on and so many distractions and that speed sign is probably going to be hard to see. I have not seen the details of how they are going to advise people that it will be 40 kilometres per hour. Basically as we drive into the central business district we need a change of scale. I talked about gateways before but we need something to tell people not just about the 40 kilometres an hour but also that they have entered the CBD. I drove in Melbourne recently and saw a speed camera down by Federation Square that was going off every couple of minutes at night. People were not aware that Melbourne CBD is 40 kilometres an hour.

Again it gets back to changing the street environment. We are obviously going to see huge changes in the CBD as part of light rail. To be honest with the Committee, I have not seen the approach that is going to be taken; I have only seen the map. But just putting up a speed sign and then perhaps putting in a camera to enforce it will not necessarily get people to comply with the 40 kilometres.

Reverend the Hon. FRED NILE: I note your submission contains a number of recommendations in relation to the demerit scheme that do not water it down but provide alternatives such as a driver awareness course and a fine for low-level speeding offences. What is your view on double demerit points for holiday weekends? Should it apply to every weekend or only on weekends where there has been evidence of a higher level of traffic accidents, for example, this June Queen's Birthday weekend and a Christmas-New Year weekend compared to a justification for double demerits on a quiet weekend?

Mr TURNER: The NRMA would not support double demerits every weekend. It is not something we have really discussed much but I think it is fair to say we would not support it. We read a lot of different things about how effective it is in holiday periods. I am not going to say we really have a position either way on that but in the holiday period it is often accompanied with increased enforcement as well so it is really hard to say how effective it is. With regard to the total demerit point threshold I think if we saw an expansion of double demerit points you would find a lot more people would be copping licence suspensions. We would probably then hear calls to increase the total threshold. For example, if you take today with double demerits after midnight, if you are caught going 54 kilometres an hour in a school zone in one hit you will get eight demerit points. I am not condoning driving 54 kilometres an hour in a school zone but people make mistakes.

Mr CHRIS HOLSTEIN: A big mistake.

Mr TURNER: It is but eight points is a big whack on your licence too.

Reverend the Hon. FRED NILE: It will probably mean they will lose their licence.

Mr TURNER: It would do for a lot of people but that is just an example of how it can impact someone who maybe in the space of three years has had a couple of other relatively minor driving offences and all of a sudden he or she is facing a suspension.

Reverend the Hon. FRED NILE: Do you support retaining double demerit on all holiday weekends?

Mr TURNER: I believe so. I am not sure.

Mr WOLSTENHOLME: I think so. We see the benefits in the enforcement. I think a lot of people are driving out with their families and the last thing we want is tragic crashes with families in the car. Obviously Victoria does not have double demerits. We do here and that is the approach we have taken. I think there is generally community acceptance of it. As Luke says, the issue is when you do get caught during double demerits the penalties can be quite high. The other statistic we had was 64 kilometres an hour in a 50 kilometre zone is six points. So again, if you were not aware that it was a 50 kilometre zone and you thought it was a 60 kilometre zone, you could feasibly be caught at the 64 kilometre an hour threshold.

In relation to speeding up near overtaking lanes, a member wrote to us and said he got caught during a double demerit period on the Kings Highway. After following a slow vehicle, he got to the overtaking lane and that is where the enforcement was taking place. In his view that was the safest place where he could overtake and it was the only opportunity to overtake. Of course, he got booked during double demerits and complained about it. It was quite a big whack. I suppose then it gets back to the discretion from the police and the Centre for Road Safety as to where we do our enforcement. Quite often where there are overtaking lanes we always have a barrier down the centre of the road. We have all experienced the tendency of people speeding up when they get to that location and that slow vehicle you were following just speeds up and you cannot pass them legally. I am not saying we should be able to increase our speed by, say, 20 kilometres an hour to get past; I am saying let us do our enforcement where the high-risk locations are, not necessarily where the infrastructure is being provided to stop head-ons.

Reverend the Hon. FRED NILE: A moment ago you said you believe the community is happy with the double demerit scheme on a long weekend. Has the NRMA surveyed its membership about that? I would have thought the opposite was the case.

Mr TURNER: I think "accepting" was the word, not "happy". It has been in place for a long time. We put out an alert on social media and on our internal communications yesterday saying that it commences at midnight. It is just something that people now accept as part and parcel of long weekends and holiday periods.

Mr DARREN WEBBER: Is the advertising of the zones appropriate and done extensively enough? Two witnesses have said to make it effective people need to be aware of it and that it is not advertised enough. They have also said it is not described "As from midnight Friday", or whatever, and it causes confusion. Have your members expressed that view?

Mr TURNER: We kind of make it our business to tell as many people as we can via our social media channels and regular media leading up to holiday periods. The NRMA is doing its bit for its members. I am not sure where the opportunities are. I know there is television advertising which occurs certainly before Easter and Christmas. I have not watched television in the past few days to know whether they have done it for this weekend. We would certainly support more publicity for it from the Government.

Reverend the Hon. FRED NILE: The NRMA supports the driver awareness course in lieu of a fine or the loss of three demerit points?

Mr TURNER: Yes.

Reverend the Hon. FRED NILE: That is an incentive to get people to do the driving course. Would the NRMA sponsor the driving course and who would conduct them?

Mr WOLSTENHOLME: Potentially a whole lot of providers could get involved in that. That is certainly what is happening in the United Kingdom. We are not coming at it from a commercial perspective; it is about changing behaviours so the NRMA could be a provider but it is not something that we have necessarily considered.

Reverend the Hon. FRED NILE: You mentioned the 86 kilometres per hour in a 70 kilometre zone which is 16 miles per hour over the limit in the United Kingdom, for which a person only has to attend a speed awareness course. Is that extreme? A lot of people get upset when they are doing 55 kilometres per hour in a 50 speed zone limit.

Mr WOLSTENHOLME: It gets back to the issue of low-level speed again and people not seeing driving at 54 kilometres per hour in a 50 speed zone as being high risk. If you drive in the United Kingdom on the motorways everyone is driving at 80 miles an hour and it is signposted at 70. A speed of 86 miles an hour is really not that high on the motorways in the United Kingdom.

Reverend the Hon. FRED NILE: It is a 70 kilometre an hour speed zone.

Mr WOLSTENHOLME: In a 70 mile an hour zone, yes.

Reverend the Hon. FRED NILE: Is it a 70 mile an hour zone on the highway?

Mr WOLSTENHOLME: Yes. That is on the motorways. All United Kingdom motorways are signposted at 70 miles. Again it is easier from motorists' perspectives because they know what the speed limit is in the United Kingdom but here we get multiple speed limits on multiple roads.

The Hon. WALT SECORD: Two weeks ago the Minister put 20 new speed cameras into the system. Yesterday the Committee heard from the Centre for Road Safety that 54 new cameras are coming in the new financial year. What would be the response from your members about the 54 new cameras coming on board?

Mr WOLSTENHOLME: Providing the cameras are in black spots then our membership is telling us they understand. We are now in a position where, as we have talked about before, we have the revenue hypothecated in road safety. So that is a really big plus. It has sort of helped to neutralise the revenue raising argument. But where we have cameras, I suppose people do not see the benefit and we still have problems. There was one example where I actually went out with the Minister for Roads on Cowpasture Road and we chopped the head off the camera. That was a classic example where the camera was deemed to be effective because the number of crashes had fallen but in fact millions of dollars had been spent upgrading Cowpasture Road. That is a case of, you have to be very careful with speed camera data. You cannot just sit behind your desk; eventually you have to go out there to the site and see if there is anything else that you can do to fix it or has anything changed.

The Hon. WALT SECORD: What about the 20 covert mobile speed cameras that are around the State?

Mr WOLSTENHOLME: The covert?

The Hon. WALT SECORD: The 20 mobile ones that move around the State.

Mr WOLSTENHOLME: The mobile cameras?

The Hon. WALT SECORD: The mobile camera units, yes.

Mr WOLSTENHOLME: Our position again is at black spots. That is where it is hard to argue against that, and I think we can still achieve this anywhere, anytime approach by putting them at the black spots. There are enough black spots out there to be able to do that. I think when we get in this territory of just because people are driving over the speed limit means that we can then enforce that, I do not think people have made that connection at all. If it is at a black spot, they are happy to get caught. If they are driving over the speed limit and they think it is a dread straight section of road they are still not comfortable with that.

Mr DARREN WEBBER: On the low speed limit offences, after Reverend the Hon. Fred Nile's question and the example given in the United Kingdom, I think it was the Police Force, the RMS and several key witnesses have all said there is a cultural attitude problem of acceptance for low-level speeding in New South Wales. That is certainly my experience on the M1, coming from the Central Coast to Sydney and back, particularly with trucks. Is that something you would accept is an issue for New South Wales—acceptance that low-level speeding in the 10 kilometre bracket is deemed acceptable by drivers?

Mr TURNER: I think we can say generally by some drivers it is probably seen as acceptable. We are not out there condoning it but as I said before obviously the data shows that it is something that people are doing so that would suggest that it is something that is being accepted. I think the key to tackling that is in trying some different approaches in messaging. I am not sure if it has been mentioned at all in the evidence but there was a great campaign in New Zealand about targeting low-level speeding and other people's mistakes. It is a fantastic video. You should look up on YouTube "New Zealand, road safety, mistakes". It is very powerful and it illustrates how—I think the guy is driving like 90 in an 80 zone. Someone who does not see him pulls out at a T intersection. It is not so much about what he is doing but it is about what someone else is doing and his inability to react and respond. That kind of message we have not really seen in Australia or in New South Wales anyway. But I think we need some alternative thinking on how you target people who may be accepting that low-level speeding is okay.

CHAIR: That is certainly a feature of many of the submissions we have received. We thank you for your time today. Unfortunately time has come to an end for our hearing. We appreciate you appearing before the Committee.

(The witnesses withdrew)

ERNEST ROBERT YARWOOD SMITH, Professional Engineer, semi-retired, 36 Calga Street, Roseville Chase, 2069, sworn and examined:

CHAIR: Welcome to the Joint Standing Committee on Road Safety and thank you for appearing before the Committee today. I draw attention to the fact that your evidence is given under parliamentary privilege and you are protected from legal or administrative action that might otherwise result in relation to the information you provide. I also point out that any deliberate misleading of the Committee may constitute contempt of the Parliament and an offence under the Parliamentary Evidence Act 1901. Time is always limited at our hearings and the Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Mr SMITH: Certainly.

CHAIR: Before we proceed with questions would you like to make a brief opening statement?

Mr SMITH: Yes. I would like to firstly say I know this is a speed committee but I guess everything involves speed to do with road safety so I would like to address three important issues: banking of curves, education and finally speed control in this country. I would like to talk about banking of curves first because this to me is the easiest and best way to significantly reduce the road toll. And yet we do not do it, and that is a real worry. I hear that 30 per cent of accidents occur on curves but an accident on a curve is far more serious than one on the straight because you are likely to run into a tree or an oncoming car. I see that in Queensland 65 per cent of fatalities occur on curves. So we should address the problem of accidents on curves.

I have given you a handout. If anybody does not have one, I have extra copies here. That just has a few issues on it. It starts off by saying of course the obvious that a big force is required to get a car around a curve and these forces have to be provided if there is no banking by friction. Friction is variable and unreliable. I guess we all know that, but there is one point which I should make in case it comes up later in discussion. Not everybody understands that sliding friction is less than static friction. In other words, if two bodies are together there is a certain friction. If they start to slide, the friction drops and that is a worry. As an aside, I could mention older people find this out very quickly to their grief. If they start to slip, then it becomes sliding friction, the slipping gets worse, and they fall over.

That is a different issue, of course, but it applies also to a car. If it starts to slip, friction drops to the sliding value and they go off the road into a tree or a pole or if they go the other way it is likely to go into a car so it is a serious situation. Banking is the way to get rid of this friction, which is so unreliable. But at the moment we only rely on friction, which is a shame. I have reproduced a little table in that handout which shows American figures. In Australia we are lucky to get 3 per cent, in my experience, whereas a curve requires more like 9 per cent then you will get an increase in the crash rate for cars by 15 per cent and for trucks by 25 per cent. That could have been avoided by providing proper banking.

One another point, the Americans recommend in their standard that banking away from residential areas should be 8 per cent to 10 per cent, maximum of 12 per cent. I have an older copy of the RTA manual—I admit it is a bit older—which talks about superelevation, which is the technical term for banking. It says a maximum of 7 per cent but of course they do not use it but it is there at 7 but it is different to what the Americans say, which is 8 to 10. The Americans say you should use 4 per cent in residential because you cannot have a big bank outside a house, and that is fine because you are only driving very slowly in residential streets anyway. I could talk all day on banking.

CHAIR: No, we need to move on to the next subject. You had a second subject I think you wished to address in your opening statement?

The Hon. WALT SECORD: Speed control.

Mr SMITH: I can probably leave that one—

CHAIR: We can draw those through questions. I refer to your—

Mr SMITH: —or the ones you would like me to elaborate on.

CHAIR: Let us move into questions, and we can draw you out on any of those issues that you feel are important to have on the record. Your submission supports the contention that "motorists are in the best position to determine a safe speed". Can you expand on that claim?

Mr SMITH: Yes. I think everybody, if they are educated—this is probably my second point, that we do not educate our drivers. We simply say, "Watch the speed signs. Watch your speedometer and that's all you have to do and you'll be safe." If the wonderful sign up there says 80, then 80 is safe; 81 is very dangerous. We do not give them any opportunity to learn what is safe for them, because obviously different drivers, different roads, different cars, different weather all require different safe speeds. Everybody has a different safe speed but we insist on everybody going probably at one particular speed under all conditions, which is obviously ridiculous but we do that and therefore we do not give anybody the opportunity to learn what is safe for them.

I raise that because in the United Kingdom it is very different. In fact they have speed limits in their rules but they do not advertise them on the road. When you leave a town you see what we used to have many years ago, the old derestricting sign, which is just a cross across a circle, and that means that the general limits apply, but really it means that you drive at the speed which is safe for you. That has the benefit that if you want

to drive at a different speed you do not upset the people behind you because there is no fixed speed that you are supposed to be driving at. I have noticed here that people get very upset if somebody drives below the limit. They think they are being held up and that makes them a bit angry and if people get angry they are not safe drivers. So forcing everybody to drive at a particular speed under all conditions is not sensible.

CHAIR: What would therefore be the role of road safety authorities in setting speed limits on roads, educating people? I might say that in the United Kingdom, as you would have heard me say to a previous witness, entering many towns—in fact, most towns—you do find speed zones with those flashing advisory electronic boards telling you the speed limit. Obviously there is a role for safety authorities. How do you see that in the context of what you have been talking about?

Mr SMITH: I am not talking about towns. Obviously towns can have speed limits, although you will all be aware of the trials they had in Germany of course and I think they were very successful. They took away all the speed limits and all the signs in a town and the road toll actually dropped to zero because the responsibility was then put on the driver. We take the responsibility away from the driver; we say you drive at that speed and you will be safe, and watch the speedo. We do not really put the responsibility on the driver to drive safely. But you cannot have a system like that unless you educate drivers, and we do not educate drivers. I think I said in my earlier letter that the only messages I see are threats, and that just turns me off. We do not have any encouraging things like "be courteous", do this, do that. We do not do any of that. We just say, "We've got more rules, more regulations and the police are there to get you."

CHAIR: You are aware of course of the recent introduction of the 50 per cent discount for safe drivers who, when renewing their licence, obviously obtain a benefit. That is a record of safe driving, so that is one incentive. How would you like to see other incentives introduced?

Mr SMITH: I think I would just like education. I mean, I am not quite sure how you judge a safe driver. They just have not been booked, I suppose. But are they safe? I think we just need much more education. I guess that is my second point, if I could just mention a few things in that.

Mr DARREN WEBBER: Are there other examples of what is it you want? Are there areas of education that you have seen are important for a driver? Braking techniques? Are there any examples in the education spectrum that you want to see highlighted or is it just general education to drivers?

Mr SMITH: When I mention education I was thinking more about educating people on ways to reduce unnecessary congestion and delays. People get very irritated when they can see that there is unnecessary congestion or an unnecessary delay and irritated drivers are not safe drivers. It leads to road rage on occasions. I am thinking more of delays which are unnecessary and I have many examples of that. We do not educate people how to turn right at traffic lights and that can create a lot of difficulty. We do not educate people that there are sensors just before the white line at traffic lights and I see people who stop one or two car lengths before and they do not operate the sensors, so the lights do not change and all the cars queue up. I have had to get out of my car on a few occasions and go and ask the front driver if they would mind moving up a bit. We do not educate people and nobody knows that there is a sensor in the road; in fact we take care to hide them.

Nobody knows the priority rules at roundabouts. They all think there is only one rule, give way to the right. If somebody is coming 30 or 40 metres from a roundabout and they see somebody about to enter on the left they will speed up to make sure they get what is "my right", because we are taught to be very legalistic. They stop that driver going in even though they could get in and get out of the way because that driver feels they are going to get hit. They enter the roundabout too fast because they have had to speed up to make sure they get their right of way. Why do we not educate people in that regard?

CHAIR: Your concerns are justified. However, I have personal experience and have produced commercials in the past specifically to address that in conjunction with local traffic committees. It is an issue and it is being addressed on occasions. You would be aware that the Government addressed the 10 least known road rules and it has decided to do that on an annual basis because it is aware of the issues you are alluding to and it is taking action. You will be pleased to know that action is being taken in relation to those areas.

Reverend the Hon. FRED NILE: I note you state in your submission that in the United Kingdom drivers have to make up their own minds about the speed limit. I thought on my last trip to the UK I saw speed limits on the British roads?

Mr SMITH: In towns you certainly do but not once you get out of the towns. I was there just recently and once I drove out of town there was this big derestricting sign and there were no limits on the road. Therefore, you can drive at a speed which suits you, which is safe for you and nobody expects you to go at a particular speed and that is very important.

The Hon. WALT SECORD: Taking into context your submission and philosophy, what is your opinion of our current demerit system? How do you feel about the demerit system?

Mr SMITH: I do not think I have an opinion on that. The problem with our system, I probably should not say it, but our system is great for collecting revenue. If you slip over the limit when it is totally safe to do so you get fined and you lose points. That is fine, that is what we want to do and that is our system. In the UK there is more emphasis on safe driving and the cops will stop people who are driving dangerously but not necessarily because they are going too fast. There is not the same emphasis on speed; there is an emphasis on safety.

Reverend the Hon. FRED NILE: Your recommendations about the banking issue seem to be logical and important. Have you made any submissions or discussed this with engineers?

Mr SMITH: Yes, I would love to talk about banking. For 50 years that has been my concern because it is such an easy way to reduce the road toll. Could I say how I first found out how good it is? It was in Raleigh, North Carolina, 50 years ago. I was invited to go north on a holiday weekend on a Friday night. The road was just like one of our country roads, one lane each way, fairly big curves and there was a lot of traffic. They were driving fairly fast, probably 50 miles an hour in those days. When we came to curves I slowed down because I knew, having driven in Australia, if I came to a curve like that at 50 miles an hour I would be into a tree. Then I realised I was holding up the traffic and they have signs up saying, "Keep up with the car in front."

I started to speed up and I found that there is no sideways force. All I had to do is turn the wheel and keep my eyes on the road and I felt totally comfortable. The reason was that the road was properly banked and I could keep up at 50 miles an hour on a road. I could not possibly do that in Australia. That converted me. Yes, I have got a lot of feedback from the RTA. I started talking to them 50 years ago. They used to talk to me in those days, now they do not talk to Smith. They are not going to be criticised about their policy. I have had humorous feedback and some serious feedback that indicates a negative attitude in the department. I was told that if people stop on a road at a curve that is not flat they feel uncomfortable. True. They did not say you will feel mighty uncomfortable if you slide off the road into a tree because the road is flat.

They told me we have to get rid of the rain therefore you cannot tip the road up, which is a bit strange because I always found water runs downhill pretty well. I know you have to get rid of it but the Americans get rid of it so it does not seem like a big issue. Somebody tried to make out that you cannot do it in residential areas because you cannot build a bank in front of a house and that applies everywhere. Well, obviously it does not. I had a letter quite a while back in the Institution of Engineers journal. I had an interesting response from a traffic engineer in Melbourne who said he was a traffic design engineer. He said, "No, we cannot bank the roads because trucks would get static rollover." It sounded like a very technical term but it is nonsense. If a truck is going to tip over because it is tipped on an angle of 12 degrees it would certainly tip over when you go around a flat curve at any speed. In the next issue of the journal a number of engineers said what rubbish and nonsense. A practising design engineer said that is why we cannot bank roads and that is a worry to me.

I had an interesting experience more recently. There was a serious accident on Macquarie Pass on a corner and there was an article in the local paper that said they were going to regrade the road. I could not help myself; I had to put a letter in the local paper which said, "Hooray, hooray, they are finally going to bank that corner." There was an immediate response from a local design engineer. He said, "No, we are not going to bank the corner, we are going to resurface it." That is pitiful. What he was trying to do was improve the amount of friction available instead of eliminating it. Crazy. That indicated to me there is sensitivity in the department about anybody like me suggesting they should change their practice.

I have received only one excuse which I believe and it was told to me by a road engineer in Sydney: Early last century they decided that if they made the corners safe it would encourage speeding and they did not want that. So they decided to make the corners dangerous and that has existed to this day even though conditions have changed enormously and it is ingrained in the department and academia. I see reports on accidents on curves from academics and they do not talk about banking; they talk about all the other things and yet the way to eliminate the accidents is to bank the corners. The Americans say 8 to 10 per cent, maximum 12 per cent, but we do not do it; we are lucky to get 3 per cent. It is very disappointing.

Reverend the Hon. FRED NILE: Did they ever say it is because of the extra cost?

Mr SMITH: There is no extra cost if you are building a road or redoing a road. On one occasion I complained to them about a curve they had just done and in those days they were talking to me and sent me the detailed drawings to show the detail they put on the drawings, which have to be abided by. They have people out there measuring everything. On the drawing there were lots and lots of dimensions but they were all horizontal; there was nothing about the vertical alignment. I could only assume it was left to the grader driver, who would have been comfortable driving around the curve at one kilometre an hour. There was nothing on the drawing about elevation. If there had been a dimension the surveyor would have put pegs in and the grader would have graded to it. There would be no extra cost.

Of all of the excuses I have had no-one says it costs too much money. I did suggest on one occasion, "Why don't you pick a few curves where there have been accidents, bank them, and watch the results." They did not want to do that. There is no extra cost to a new or regraded road. I came in on the bus this morning and there was a curve on Eastern Valley Way where 30 or 40 years ago it had a bit of banking but they widened it and took all the banking out. At that time there would have no extra cost in banking it because there is only bush on one side. They could have banked it up but they did not. The bus was pretty full and I had to sit on the edge of a seat and hang on tight to avoid sliding off. I noticed the girl next to me had to hang on tight. And that is because there is no banking. There is no extra cost when regrading a road or putting in a new road.

CHAIR: Mr Smith, we might leave that subject at this stage. I think we have covered that subject adequately.

The Hon. RICK COLLESS: Mr Smith, could I offer you a warm welcome to this room. I am suspicious that there may be other members of your family that have had a substantial hard time in this room. Welcome, Simon. It is good to see you here. I am also interested in this issue of banking. Can you tell us what this 9 per cent means? Is it nine units in a hundred; is that the slope on the bank?

Mr SMITH: Yes, they do not measure degrees, they measure per cent.

The Hon. RICK COLLESS: Nine units in 100.

Mr SMITH: That is right. So if it is 9 per cent it is the difference between the vertical and the horizontal. It is the tangent of the angle.

The Hon. RICK COLLESS: That applies to gravel as well as sealed roads?

Mr SMITH: It is even more important on gravel roads because the friction is likely to be less. It is very important on gravel roads, yes. We do not do it.

The Hon. RICK COLLESS: With the argument against heavy vehicles being put on an inappropriate angle if they are travelling slower, would it be feasible to have a variation in the grade as you go across the lanes? If the heavy vehicles are using the inside slow lanes and light vehicles are travelling faster on the outer lanes they could have more grade applied to the outer lanes?

Mr SMITH: You could, but it is unnecessarily complicating it. At high speeds you are not going to get enough banking to take away all the friction; you are going to greatly reduce it but you are not going to take it all away. If the truck is going slower than it is banked for, it would be tipped a bit, but so what? I have shown a train which is nicely banked over and there is no reason why they should not drive around a curve that is slightly banked. That would not worry them. That is the beauty of modern design. In the old days we used to have bench seats where you would slide across like I did on the bus this morning, but nowadays we have bucket seats which are nicely contoured to keep you in position.

That is one of the worries in modern design. We have got rid of the force on the steering wheel with power steering and we have put nice bucket seats in that stop you sliding across, so drivers are comfortable on curves. That has two effects: it makes them drive faster than they should and, more seriously, it takes them by surprise if the car starts to slide. It is comfortable and then the car starts to slide and they are more likely to do something stupid like jerk the wheel or put the brakes on and then they go from static friction to sliding friction,

they go off the road and then we have an accident. Modern design has made the driver comfortable but it has made the need for banking even more urgent.

The Hon. RICK COLLESS: You may have heard my questions earlier about the concerns I have about the cruise control system where you go through a series of curves. What you are saying is if the road was appropriately banked the cruise control becomes safer to maintain those speeds through the curves?

Mr SMITH: Absolutely. They said 100 years ago that it would encourage speeding but today it would encourage a steady speed and that is less tiring. It is tiring to drive on a country road where you have to disconnect the cruise control, slow down, speed up, reconnect the cruise control, and then they blame the driver if he gets tired. If you drive like I did in Raleigh, you drive at a steady speed and you are watching the road and ready for any immediate action that needs to be taken. You do not have to keep slowing down and speeding up. Disconnecting and reconnecting the cruise control drives me up the wall.

Mr CHRIS HOLSTEIN: Mr Smith, you stated that the messages you heard from the Roads and Traffic Authority were framed as threats and that people did not respond to that. Contrary to highlighting what the consequences are of breaking the law, what other kinds of strategies would you recommend? Consequences when we do something wrong are natural. I feel you are alluding to the fact that there should be a different type of strategy. What would that be?

Mr SMITH: You can have that in addition, if you wanted it. You have to tell people that there are fines and things, and that is all right, but you do not need to talk about that only. Do that if you want to, but have a real program whereby you are encouraging people to be courteous, to look after other people, and watch for this or watch for that. Do encouraging things rather than negative things.

Mr CHRIS HOLSTEIN: A more positive affirmation rather than the negative.

Mr SMITH: Yes, positive, not negative. All the threats are negative, like, "We're gonna getcha.", or, "We're going to fine you or you are going to lose points."

Mr CHRIS HOLSTEIN: For doing the wrong thing, yes.

Mr SMITH: It is all negative. I like positive talk.

Mr CHRIS HOLSTEIN: I understand, but I do not know that I totally agree that that will give us a benefit. However, I understand where you are coming from.

Mr SMITH: If you encourage people to be courteous, you know, people would respond. I know they would. Some people have started the English custom of flashing lights when you are going to give way. In the old days, you flashed your lights at somebody when you were angry with them, but in England of course when you flash your lights, it means, "Yes, you can come in." People are starting to do that but there is no talk about encouraging people to do something like that. Let them come in. People are fairly good in Sydney about merging one for one. In other States, they are not quite so good, but that is positive.

Mr CHRIS HOLSTEIN: I understand where you are coming from and I like the sentiment. I just not know about the reality of it. Thank you, Sir.

Mr SMITH: Thank you.

CHAIR: Can we just conclude with the question that you would have heard put to the previous witness. What is your opinion of the current Demerit Point Scheme? Do you think it ensures better speed compliance and safer driving? Can it be improved in some way?

Mr SMITH: Yes. I do not think I have an opinion on that. It is obviously a threat and people certainly will have to abide by the limits that we have set because they do not want to lose their licence, but again it is negative. You have got to have these penalties, obviously, but we do not want people to be avoiding penalties; we want them to be driving safely, and there is a big difference.

CHAIR: We thank you for your appearance before the Committee today and for your expertise in your particular fields, which certainly has been unique in the hearings we have conducted to date. For that reason we were very interested to hear your opinion and we thank you for your appearance.

Mr SMITH: I thank you for hearing me.

(The witness withdrew)

The Committee adjourned at 12.01 p.m.
