

**REPORT OF PROCEEDINGS BEFORE**

**JOINT STANDING COMMITTEE ON ROAD SAFETY**

**INQUIRY INTO VULNERABLE ROAD USERS**

---

**At Sydney on Wednesday, 13 October 2010**

---

**The Committee met at 9.30 a.m.**

---

**PRESENT**

Mr G Corrigan (Chair)

Legislative Council

The Hon. R Brown  
The Hon. I West

Legislative Assembly

Mrs D Fardell  
Mr D Harris  
Dr A McDonald  
The Hon. G Souris



**MICHAEL RICHARDSON**, Member for Castle Hill, before the Committee:

**CHAIR:** I welcome our colleague Michael Richardson, the Member for Castle Hill. Do you wish to make an opening statement?

**Mr RICHARDSON:** I might say a couple of words, Mr Chairman. Can I first of all thank and congratulate the Members of the Committee for establishing this inquiry. I understand it is your first inquiry into vulnerable road users and motor cyclists since 1987, that is 23 years. Over those 23 years I have to say motor cycle design has changed quite dramatically and road conditions have changed very dramatically but also, and I think most importantly, the type of people riding motor cycles has changed quite dramatically. If you go back to the 1980s you will find that most people were using motor cycles for basic transport.

I got my first bike in 1966, a Honda 90, on which to go to uni. That is the way it was for most people, even back in the eighties, but I have to say that motor cycle sales were in the doldrums at that time. What has happened since then is you have had a flood of returnees, and I guess I was in that category because I did not ride a motor cycle for about 20 years, although it was my primary form of transport for the first 10 years after I got my licence. They tend to be older riders and those older riders actually have meant that there has been a reduction in the rate of accidents, fatalities, injury accidents, serious accidents, per number of motor cycles on the road.

You can do anything you like with statistics and it is not really looking at the fact that you do not only have people who are commuting in heavy city traffic who may be doing 16,000 to 20,000 kilometre a year, you have people who are riding for enjoyment at the weekend who may only be doing 5,000 to 8,000 kilometres a year and I understand that is the common mileage done by these weekend riders, weekend warriors. What that means, of course, is if you want to get an accurate statistic, you need to look at it as a proportion of vehicle kilometres travelled.

The basic fundamentals of safety, so far as motor cycles are concerned, have not changed since the first bike was invented more than 100 years ago and you still have nothing around you to protect you. There are, I have discovered when researching for this submission made to Staysafe, a couple of motor cycles now that have air bags. I am not quite sure what use they would be. There is a Honda Gold Wing that has an air bag that pops out in front of you, which might be terrific if you are going head on into a wall, but not of much use if you are sliding off onto the road.

One of the other myths that needs to be exploded, and you will probably hear it from other people giving evidence, is that it is always the other road user or driver who is at fault, yet the statistics show that in 65 percent of serious accidents where the police are called, the rider is to some extent at fault. In other words, he has hit something else or has come off his bike and would be regarded as being at fault. That is not, I think, entirely fair. It is certainly the case that road conditions make a motor cyclist much more vulnerable to rain, to oil on the road, to gravel and so on.

I can remember, ironically, riding down Silverwater Road to get some extra parts for my Norton in 1970 and it had not rained for about two months. I put the front brake on. I was travelling at low speed and put the front brake on coming up to Parramatta Road and there was no traction whatsoever. It was like being on black ice. I came off the bike and I remember going into Burling and Simmons, as they were then. I dripped a bit of blood on the counter, saying "I came to get a few parts but I need a few more now". Motor cyclists, as a whole, are extremely vulnerable.

I do see that there is likely to be a change in the type of person who will be riding motor cycles in future years. We have already had the increasing popularity of scooters, for example. If you think about it, it is a logical thing. It will be more because of congestion rather than cost. Motor cycles do have a number of significant advantages over cars when it comes to commuting. They can get in and out of the traffic more easily. They are cheaper to run, easier to park and they can travel

legally in bus lanes, which cars cannot.

I understand that motor cycles sales have fallen since the GFC as a consequence of the fact that people do not have as much disposable income. You will find that people, in trying to reduce the cost of living, are more likely to be turning back to motor cycles for commuting. That is why this inquiry, I think, assumes a great degree of importance.

When you come off the bike you only have the gear that you are wearing to protect you. I am constantly amazed at some of the outfits that I see motor cyclists wearing. I was going back home from my office at about 7 o'clock on a winter's night and I saw a fellow going up the road nearby riding a motor bike whilst wearing shorts. It was not necessary to wear shorts, it was nine degrees. It is not necessary to wear shorts on a nine degree night. I had a meeting with my local area commander and other police yesterday and I mentioned this inquiry to them and this issue about wearing shorts and so on. I said that it would be very easy to pick up anybody who was not wearing the appropriate clothing. It is easier in fact, they said, much easier to do that than it would be to pick up somebody who was holding a mobile phone. It is something that I would really encourage the Committee to recommend be banned forthwith.

I remember in 1973 taking my wife-to-be up to the Bathurst motor cycle races on the back of my Honda 750 and I was halfway there and I looked down at her footwear, glanced down, and she was wearing a pair of slip-on shoes. I said "okay, we will go to Bathurst but if I cannot find you something else suitable to wear you will go back on the train". Over and over again there are countless examples, and Dr Macdonald would be aware of this, where people end up being crippled because when they come off a bike they do not have appropriate protection for their ankles and heels. That is what I feared might have happened to her.

The best clothing that you wear cannot protect you from a collision with a car, or a truck, or whatever. I think that all motor cyclists would actually have in the back of their minds the distinct possibility that they are going to slide off their bikes, drop their bikes sometime and slide down the road. I know that in the first two years I had the Honda 90 that I fell off 13 times. It was not entirely my fault. Once I remember the back tyre blew out when I took off and went around a corner. The tyres were so small that I had nothing left on the road. I went to a 250 cc bike then and stopped falling off. Do not assume that just because the bike is smaller, for example a scooter, that it is safer. In fact, I suspect that scooters are not as safe as bigger motor cycles.

I do not think that I ever envisaged that sliding down the road and not hitting another object could have caused the injuries that were caused to me on March 28 last year. I still do not have a totally clear picture in my mind of what happened. I had been travelling behind a slower vehicle for a kilometre or so. I was quite happy to do that. He was travelling below the speed limit. I was happy to go around these corners and then overtake him when it was safe to do so on the straight. He actually pulled over and waved me around. I went around him and when I came out of the S bends I saw a police car at the end of the straight and I touched my front brake, that is all. It was an instinctive reaction. We probably all do it. I know I have seen my wife do it, even when she has been travelling at 50 in a 60 zone.

The bike had been serviced a couple of weeks earlier and I know that I had almost turned around and taken the bike back to the service place because the front brake was grabbing, because it had been adjusted up too much, but I thought that it would bed in and that was almost a fatal mistake. I thought that it would bed in okay and that I just needed to watch it. Just touching it locked up the front brake. The next thing I knew I hit the ground. I thought: What is going on here? I thought I slid only about six metres along the ground but the police officer told me it was 66 metres. I broke nine ribs, totally destroyed my collarbone, punctured my lung and had internal bleeding. I had two operations on my knee. I am still doing physio on my right hand and so on and so forth.

I never actually thought that I was invincible as a 21 year old would do. The only thing that I

had to protect me when I hit the road was my clothing. I have actually brought that clothing with me today. I thought that the Committee might be interested to see some of this. The one thing that I do not have is the jeans that I was wearing and it was about the only day that I did not wear leather pants, which is why I have had two operations on my knee. My wife threw my jeans away. They were covered with blood and not something you would want to have around the house.

The jacket, I regret to say, was cut off me so it is not in great shape, but it was not in great shape anyway. There are a couple of interesting aspects, I think, to the protection or lack of protection that the jacket afforded. We will start with the these gloves, which were pretty new. You will see that they are actually torn and I had cuts on both hands and my right hand was bruised all over. I am still having physio on it. It is something that we did not pick up at the time in the emergency department because they were more concerned with the life threatening injuries rather than with something that is not actually cosmetic. I have had to do a lot of work on my hand, but it was something that was not life threatening. These were new gloves. They have the Kevlar reinforcement but still did not provide 100 percent protection but you can imagine what would have happened to my hands otherwise.

Here are my boots. The left one got ripped up. My feet and ankles were actually well protected by the boots, which is why I emphasise the need for good footwear. I have said that I think that you need to be mandating for people to wear shoes at least but really they should be wearing boots that cover the ankles because I think my ankle would have been ground down on the ground otherwise. 66 metres is a long way to go.

The jacket, as you can see, it has got the Kevlar reinforcing in the arms and so on, but what was interesting about that was it slewed round on my body. Since I bought this I guess I have lost a bit of weight; so it wasn't tight fitting but then again it really depends, you have got to have it a little bit loose, because in winter you are going to be wearing a lot more clothing underneath it. It is cold; it is one degree, you are going to be wearing more clothing and that is all there is to it.

Because it slewed round, my elbows, I actually wore it through on the ground and both my elbows were cut, despite the fact that I had the Kevlar reinforcing; it did not quite do the job that one would hope.

I assume that when they use crash dummies and so on that they can actually test for these things. I hate to think that they were propelling live dummies down the road to find out what sort of injuries they sustained.

The most telling evidence of all is this helmet. When I went into the emergency department, the doctor there, Allan Garner, saw the helmet and he said, well it's lucky you were wearing this helmet; he said if you hadn't been wearing it your face would have been "de-gloved" and you would not have lived through that in addition to your other injuries.

So my head was quite good. They did not seem to think so, which is why they cut that off, in case I had spinal injuries, but my head and spine were actually in good shape.

You can see that I was rolling over and over, even though I thought I only went for six metres, 66 metres I was rolling over while that was happening and you can actually imagine, if you just had your face there, if it had been an open face helmet, one of these ridiculous things that they have cut away around the ears, you can imagine what would have happened to my face. I just would have lost the entire front of it. I would have lost my nose, my ears, everything, on top of all those other injuries. The shock alone would kill you.

After that accident I did some media and some radio interviews and so on calling on the authorities to make full face helmets mandatory. That I know is a controversial sort of claim and you will hear evidence from other people that the full face helmets are not safe, they can lead to spinal fractures and that sort of thing, but quite frankly, I think they have been around now for 40 years and there may be some drawbacks but I think the drawbacks are more than outweighed by the advantages of wearing full face helmets. Those are my opening remarks.

**CHAIR:** I was very interested in your submission and thank you for it. I have asked these organisations to come along, particularly in your belief that ABS should be compulsory on motor bikes and certainly the NRMA agrees with that and I will be asking the police as well in relation to that today. In your inquiries, do you know what ABS would add to the price of a bike?

**Mr RICHARDSON:** On the bike that I bought it was only about another \$500 and I would not be sitting in front of you now had I spent the \$500. It seems to me to be pretty cheap at the price.

**CHAIR:** Your recommendations on proper gear, I watched this morning as I crossed Macquarie Street, I did notice the scooter riders in business dress; the women had fashion shoes on. I just wonder are we asking too much for people to have full gear while they are riding a short commute from home?

**Mr RICHARDSON:** You probably are and that's why I said, you cannot actually mandate that you have got to wear full leathers, full face helmet and boots at all times; you just cannot do that; that is not practicable.

What I have really advocated here, beyond consideration of helmets, mandating for example, that you must wear long trousers and some sort of proper shoes, lace up that are not going to fall off as soon as you come off the bike and even women wearing fashion shoes could do that and then change their shoes when they get to work.

But apart from that, I think that it is really up to the authorities to be educating people and I also think that it would be very important to actually develop some Australian standards.

At the moment the only standards for motor cycle clothing are European standards and the European standards are not really appropriate to Australian climatic conditions; they are entirely different here. What is appropriate for riding around the mountains of Switzerland is not really appropriate for riding through western Sydney in a baking hot summer's day.

**Mrs FARDELL:** I may have missed it, but what speed were you doing?

**Mr RICHARDSON:** I'm not sure; 80, 90.

**Dr McDONALD:** You have just convinced me that riding motor cycles is too dangerous for baby boomers.

**Mr RICHARDSON:** We do not bounce the way that we used to.

**Dr McDONALD:** That brings me onto the question, the changing demographic of motor bike riders to the baby boomers, the changes in perception as you grow older, the gap judgment and that sort of stuff, how would you address that; the fact that 60 year olds cannot ride like they could when they were 20.

**Mr RICHARDSON:** I don't think they tend to, with some exceptions. One of my heroes back in the sixties was a guy called Allan Hales who won the six hour race three years on the trot. He was my age, 61 and he was killed on the Old Pacific Highway riding a motor bike and I think the front brake locked up and he went over a fence. The thing about that is that most people do not ride like that, but if you have an accident, even the best clothing is not going to protect you.

**Dr McDONALD:** The second question relates to cost. Many of the motor vehicle drivers have changed to motor bikes because of the cost; however what you are recommending is very expensive; motor cycle clothing costs for people who are very cost sensitive. Can you think of a way of dealing with that such as changing insurance premiums, for example, for riding when you are well dressed or something?

**Mr RICHARDSON:** We did mandate years and years ago that people had to wear helmets; that was an additional cost because not everybody wore a helmet back in the sixties and early seventies.

The cost of helmets varies widely depending on what you are buying. At the lower end you can still get a full face helmet for a couple of hundred dollars. It really depends, I suppose on whether it meets the standards and in that regard I would say the Committee really needs to look at the Australian standards, because it only actually measures the impact on the top of the head, it does not measure anything around the side or the chin - which I think is ridiculous.

**Dr McDONALD:** A final quick question, should people who come off their bikes improperly dressed have contributory negligence as part of their insurance claim?

**Mr RICHARDSON:** That is a leading question. I am not really sure that I would agree with that proposition but clearly if it were illegal, for example, to ride a bike wearing shorts or wearing thongs, I don't know about contributory negligence, but they could certainly be booked for wearing inappropriate clothing; as indeed you would be right now if you were not wearing a helmet. It is not something that is foreign to what the police do now.

**The Hon. Robert BROWN:** I am deeply sympathetic to you for having the accident that you had, it could have killed you. I have been riding motor cycles for 47 years; I have never broken a bone and yet I have probably done many of the things that you did as a young man, some ridiculous things. My wife is thinking of trading in her motor cycle at the moment and what we are going to do is probably buy an outfit now that we feel will offer a little bit better protection.

I do agree with the broad issue in your summary, which is that the only protection you have is clothing. We are talking about mandating clothes and you mentioned you cannot wear thongs. My view is that fashion sandals on a woman are as deadly as thongs. The second thing is, you do not see a lot of it, but you do see young women in skirts riding scooters, they do not all wear trousers. If you mandate that you have to wear long trousers then you are going to have a feminist argument on your hands too.

If you are talking about safety issues, in your submission you make reference to the use of media campaigns to promote safety. In 1967 when I got my motor cycle rider's licence, you did not have to do the riding test or any of that sort of stuff. Since then you have and I believe there are limitations on power, et cetera.

What would you say about introducing into the motor cycle riding tests that they have to do now, more material on self protection; that is clothing? My perception is that if you have a look at a lot of the young male racers around these days, pretty much all of them are wearing expensive gear because it actually is a fashion statement - leathers look cool. They do not look cool on young ladies going to work or guys in suits and if you are riding a motor scooter, for me to come into Parliament and wear leathers, I would have to have a bike that was big enough that would allow me to carry a suit properly pressed or whatever.

What about the aspect of maybe not trying to mandate for clothing - but I agree that Dr McDonald has got a good idea there - what about asking for more concentration on self protective clothing in the motor cycle licensing aspect? I have to say I do not know, it may have 15 pages on it, but if it does not, it should.

**Mr RICHARDSON:** You want to get them young and teach them the right habits from day one. So far as the girls wearing skirts are concerned, it gets back to the same sort of issue as my wife, when we went to Bathurst, I bought a pair of three dollar Chinese desert boots for her. They were not a fashion statement but boy they were a lot safer than what she was wearing and they actually covered her ankles and so on.

**The Hon. Robert BROWN:** With all due respect, the young women that are riding these motor scooters, they make their own decisions.

**Mr RICHARDSON:** They do but I do not think it is a feminist issue, I think it is a fashion issue. You say they cannot wear a full leather outfit and carry a suit on the bike, I understand that but it would not be impossible for a woman to wear a pair of jeans and change when she got to the office. The Committee needs to look at that; you need to look at what is possible. To mandate that everybody goes around in full leathers, boots and full face helmets, it would be ludicrous.

**Mr HARRIS:** I really appreciated your submission as well. You mentioned education in it. What would you think the most effective form of that education is and which market would you target? I know you just said then the earlier the better but if the RTA was to run, for example, a safety campaign, what would be the most effective way of targeting that campaign in your opinion?

**Mr RICHARDSON:** Actually, the RTA is doing some good work right now in terms of putting up signs about how to go around a corner correctly on certain dangerous corners. I have seen that and I think that is first class. That is actually taking it right to the coal face where the riders are. I do not think you can really go out there and say we are going to target the 20 or 30 year olds because they are over represented or we are going to target the over 50s because they do not have the eye hand co-ordination that they used to. I really think you have got to do it as a generic thing.

When I talk about education on motor cycle safety, you also need to be educating the drivers; there needs to be more of that. There have been campaigns in the past. I did say that 65 per cent of serious accidents involving motor cyclists the motor cyclists seem to be at fault, but for 35 per cent that is not the case and I do not think that most car drivers are aware of the fact that there are motor cycles around; I just do not think they register. They see them in the rear view mirror but they do not register there is a motor cycle there. That kind of thing I think would be very effective in reducing collisions between cars and motor cycles. Of course, the car driver may actually cause the motor cycle to lose control, even if he does not hit him, he may cause him to lose control and slide down the road. It then becomes a statistic on the other side of the ledger.

**(The witness withdrew)**



**GUY JOHN STANFORD**, 68 Violet Road, Mt Victoria, patent researcher, affirmed and examined:

**BRIAN WALTER WOOD**, 40 Dickson Avenue, West Ryde, mechanical engineer, sworn 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 a contempt of the Parliament and an offence under the Parliamentary Evidence Act 1901. Your submission has been received and authorised for publication as part of the evidence to the Committee. Would you like to make a brief opening statement before we proceed to questions?

**Mr STANFORD:** I would like to make a couple of notes. Firstly, we are here to look at the New South Wales Road Safety strategy as it relates to vulnerable road users, in particular motor cyclists. We must be aware of the context in which that strategy sits and the New South Wales strategy is actually based on the national road safety strategy and the Austroads strategies. There are many influences on our internal strategy that come from outside our State.

The overall position of the national road safety strategy is that it relies upon post-crash injury reduction and it does not deal with collision reduction. That is pretty much left to the police in New South Wales. We have a set of engineering solutions that are measurable in their effect. If you improve the northern Pacific Highway the crash numbers go down whereas if we look at the Princes Highway down south, where nothing has been done, nothing has changed.

In the national road safety strategy it takes note of this long-term work which has been done by Newstead and Cameron where they have been looking at the crash worthiness and aggressivity of cars. According to the figures from Newstead and Cameron this would give a reduction over time of somewhere around 25 to 33 percent in road trauma and when we look back at the success of the national road safety strategy we find that it managed to get to 26 percent.

There are lots of questions here about whether a lot of the behavioural programs which have been run really have an effect that is greater than that of the engineering effect of the new cars coming onto the road. While we have the overall strategy based on post-crash reduction, we need to slow the cars down and reduce the energy involved in a crash. That is all well and good but if you do not have collision avoidance as part of your strategy you are only going to achieve what the engineering has allowed.

We have a bit of a black hole here in how non-car occupants are being looked at. If we look at truck safety strategies, pedestrian, motor cycle and bicycle strategies, we will find that they are not treated by this overall strategy. That forms a context and background for where we have arrived at today. We also appreciate the fact that this inquiry is under way.

Both Brian and myself have been working for over 10 years on motor cycle safety. We have written documentation. We have hired researchers. We have done our level best as lobbyists, working with a volunteer group, to achieve improvements in motor cycle safety. A few years ago we hit a brick wall where there seemed to have been a lack of cooperation moving forward, so hopefully this is what can get things across the line. We are right into this and really appreciate it.

**CHAIR:** What would you say to Staysafe if you had two or three key points that you would like us to recommend? What would they be?

**Mr STANFORD:** There are two. Probably one of the biggest improvements that we can see with riders is through improved road conditions in those little areas where it is important for motor

cycles and for bicycles as well, because they are single track vehicles, so we have that road improvement one. The other one is to see some positive rhetoric, as opposed to the other form that motor cyclists have been subjected to over a long period of time. Because of the poor fit of motor cycles into current strategy, there has been a lot of negative rhetoric simply because they do not fit.

**CHAIR:** We have asked every other expert witness this question. Mr Richardson suggested ABS should be compulsory on motor bikes and would save a lot of crashes and therefore lives. Do you agree with that?

**Mr STANFORD:** I think that ABS does have its place. Yes, there would be some reduction. We know that people have ABS. There are people who cannot use their brakes properly and if you give them ABS it does not help them. They just have to learn how to use their brakes. You have a pretty big component in training. There are some particular circumstances and from what Michael told me about his crash, under those circumstances it is pretty strongly indicated that ABS would have helped him out.

**The Hon. Robert BROWN:** Can you tell me who is the Motor Cycle Council and what do you do, before we proceed?

**Mr STANFORD:** We represent around about 43 or 45 clubs at the moment and through those clubs over 40,000 riders, so the delegates of the Motor Cycle Council are representatives of their clubs.

**The Hon. Robert BROWN:** You made a comment in your opening address, or in answer to one of the questions, that the Motor Cycle Council feels that motor cyclists are subject to negative rhetoric, I think was the term you used. In what way? I am a motor cycle rider. The way I look at it, the State Government never does enough as far as I am concerned for a whole bunch of people, but I would say now that motor cycle awareness amongst car drivers is far higher than it was 20 or 30 years ago.

**Mr STANFORD:** Indeed, and we worked very hard on that. You may recall that we published Positioned for Safety back in June 2002 and, following that, we saw the first motor cycle safety programs in New South Wales commence in November of 2002. That was the Look Twice for Motor Cycles. That is when the genuine motor cycle awareness advertising commenced. We can see the blips downwards in the numbers that followed that. When we look overall at how motor cyclists are treated compared with pedestrians or cyclists in terms of expenditure and attention paid, we find that motor cyclists are certainly the poor cousin.

When asking for a reasonable share of the cake we have been told some dreadful things through the years by various administrators. One of the things I was told was that the moment you threw your leg over a motor cycle and went off down the road you declared yourself a risk taker so whatever happens to you is your problem, not ours, so go away. If you look back at the last Staysafe inquiry and look through the report there, you will find that the recommendation at the time was to ban motor cycles. I think that we still have some residual of that.

**The Hon. Robert BROWN:** That sounds all right as far as bicycles are concerned.

**Mr STANFORD:** I do not think we have an even handed way of dealing out the necessary funds and attention when we look at all classes of vulnerable road user, for example, motor cyclists, bicyclists and pedestrians. I mentioned in the submission and I need not go over it again, you look to the RTA annual report as evidence for that.

**The Hon. Robert BROWN:** To take that a little further, what official recognition or position does the MCC have on any advisory committees or with the RTA? Do you actually actively partake or do they invite you to partake?

**Mr STANFORD:** We did have a six monthly meeting with the RTA in what was called the Motor Cycle Safety Committee and that ran for some years and there were certain benefits which did come from that. From about 2003 to 2004 or thereabouts it steadily became a one-sided arrangement, whereby if the RTA wanted to know something they would invite us in to get information, but anything which we raised died a terrible death and went nowhere. It got to the stage when Paul Forward wrote in response that he had never received one complaint about wire rope, for example, and a series of other issues which caused us at that stage to realise that the committee within the RTA was so junior that any issues that were raised could not rise through the organisation for any level of attention.

That gave an indication that the only way in which we could raise the significance of our issues to those who are supposedly in charge of these things was to go outside the system and go political. That was the only choice that we had left because that committee through the RTA was treated with complete disregard.

**The Hon. Robert BROWN:** Is that what has lead you to make your recommendation on page 12 that there needs to be an independent motor cycle advisory committee?

**Mr STANFORD:** Absolutely.

**The Hon. Robert BROWN:** Who would you see being on the committee and what terms of reference should that committee have?

**Mr STANFORD:** There are two aspects to that. The first one is who should be there. Certainly we want to have some strong motor cycling representation, rather than only have the administrators because the administrators, in our experience, have tended to vote for what was convenient for them, rather than what is actually genuinely useful and also within their frame of reference. If they do not understand that motor cycles, like bicycles, are single track vehicles which have some unique requirements, then we get what we have had for the past 30-odd years that motor cycles continue to be managed as small cars, which they are not. On that committee we would be looking for strong motor cycle community representation. We would be looking for motor cycle industry representation. We would also be encouraging that there be police representation and representation from the RTA.

**The Hon. Robert BROWN:** The overall objective would be to improve motor cycle rider safety?

**Mr STANFORD:** Absolutely.

**Dr McDONALD:** Please clarify one thing for me. If you are driving along the M5 you see lots of motor cycles in the breakdown lane. Is that legal?

**Mr STANFORD:** Strictly speaking, no. It is legal for a bicycle to ride in a breakdown lane under section 90 of the Australian Road Rules. Strictly speaking, it is not legal for motor cycles to ride in the breakdown lane. The whole area of lane splitting versus lane filtering is an area which is grey at law. In normal traffic it is not specifically illegal, but neither is it specifically sanctioned to be legal. There is much opinion that goes on from people. Some people get jealous, I think, that motor cyclists can filter through stationary traffic. Certainly we do not recommend lane splitting, which is at speed moving between lanes of moving traffic. That is destined to end in tears. Certainly motor cyclists filter through stationary traffic, either to the left or right of a vehicle, as bicycles are legally permitted to do. At those very low speed bicycles and motor cycles behave in an identical manner.

**Dr McDONALD:** You mentioned in your submission that you estimate only half of all motor cycles are registered. How do you make that assumption?

**Mr STANFORD:** By looking at the import data available from Customs and Excise and the published data from the FCAI, which is the representative body for the importers of motor cycles. In broad terms, about half of all motor cycles which enter the country under the motor cycle classification are registered. Of the unregistered proportion, a half of that or a quarter of the total are ATVs or four wheel vehicles, quad bikes, often used on farms but more increasingly used in recreation. The big problem for the off road bikes of course is there is just nowhere to ride.

**Dr McDONALD:** Does the Motor Cycle Council have a position on the trail bike problem?

**Mr STANFORD:** I do not know how you define the problem. The problem may well be in the way the law is or the problem may be in some of the people riding them or the problem may be that some people think there should be peace and quiet all day everywhere. How do we define what the problem is?

**Dr McDONALD:** They do have a right to have peace and quiet in a public space.

**Mr STANFORD:** I do not dispute that. Sometimes the problem is seen as just simply the motor cyclists are turning up in places. As the front of urbanisation has moved out across the countryside, you could argue that the micro environment in which motor cyclists were able to happily exist has been removed and that had they been the singing tree frog there would be people chaining themselves to trees to defend their right to have somewhere to live.

But as it is, we just have more legislation that says they have got nowhere to be. Of course, there are a lot of them out there; it is a pursuit for people of all ages, so of course they bob up in strange places, including as unregistered and illegal riders on open road, as well as riding in property areas which are inherently unsafe because they have got everything from trenches and steel stakes sticking up out of long grass; so we do end up with a lot of them in hospital.

As they are pursued out of places because it is illegal to ride around here or we don't want to ride around here because it is going to disturb the neighbours, they move into further and further afield places which makes them doubly difficult to recover, meaning more helicopter trips and ambulance trips.

Nobody owns the bikes, nobody is responsible for them. The local councils do not make any provision for them. They make provision for skateboards and pushbikes but no provision is made there for motor cycles. DECCW from an environmental perspective just says: We don't want them; they are just noisy; shoot them on sight.

We have got quite large issues with off road motor cycles, very poor data on them. The only injury statistics that we have are those that come out of the hospital system or those that come out of the on road crash system, because they crash on a road related area and therefore reported through the police.

Without knowing a lot more about them, it is difficult to appoint levels of risk for the activity that they are engaged in and it is also difficult to quantify environmental damage. It is also difficult to quantify any social benefits which arise.

This is the big black hole. Nobody wants to know about dirt bikes and everybody just wants to get rid of them. But you will not stop them. There are lots of them out there. There are 168,000 registered motor cycles in New South Wales and we have got close to that number of unregistered small bikes. That is from kids' mini bikes, a very small size to full size motor cycles and because of the lack of controls in the area, we also have small kids; if you have a look at the injury statistics for small children, the ones that bob up through Westmead in particular, because that is where the serious cases end up, we find that ATVs in particular are injuring a lot of small kids.

Part of that can be treated through the Farm Safe program but there is no program because there is no money for motor cycles and for kids' mini bikes, kids' mini bike tracks are being steadily snapped up and have blocks of flats put on them.

Just in recent times we have seen the one at Baulkham Hills being closed down and they combined with the Blacktown club but that one is going too; so where is this going to end up?

There is no question that when you have got the kids involved in the club activity scene - most of the Australian ones have very good programs for young kids. It is kind of non-competitive participation stuff that is a lot of fun for them.

As the clubs dry up, these kids are then removed from exposure to good examples from the adults who are training them under these circumstances, as well as the good sense that comes from learning how to manage a motor cycle. It is like the time when everybody had guns; you learnt how to use a gun with great respect.

**The Hon. George SOURIS:** Gentlemen, I am sure you are aware of other submissions, including the previous witness, have stressed the importance of improved helmet design and protective clothing, particularly the full face helmet aspect of that.

First of all, are you aware the RTA has a brochure recently out promoting these full face helmets and indeed, there is criticism about that, particularly about the sample size and other things.

But I really would be interested in your view and your reaction to the whole issue about the full face helmet; because I am sure you represent a number of clubs that like to wear those cutaway ones that we see quite often.

I would be interested to see what you feel about that whole issue of protective clothing and especially this issue of helmet design in view of the other submissions. I know one of you was here during the previous witness, I am not sure if you both were. I think you were.

**Mr STANFORD:** That is a pointy edged question and I presume I have got that one because I am also a member of the Australian Standards Committee for Motor Cycle Helmets and there is some disputation amongst rider groups as to where the standards are going.

In broad terms full face helmets are great because they have got a closed visor, they offer you quite a lot of protection in a face plant type fall but there are problems with standards and helmets. Many of the helmets which arrive here in Australia, because we have the Australian standards for helmets, but we are a tiny dot of the market in the international scene, so we tend to get helmets here which are multiply compliant.

They will comply with half a dozen other standards and this tends to make the helmets heavier and the heavier the helmet gets, the greater the rotational forces on the neck. If you look at the European standards for helmets they have chosen at every turn to make helmets as light as possible, whether it be a full face or an open face helmet; it is to reduce the rotational mass.

That is probably a bigger effect but the effect of rotational mass is bigger when it comes to a full face helmet. The new Snell standard helmets are so heavy that you would be shocked just to pick them up and compare and without the flexibility in the chin part, what tends to happen is you end up breaking your jaw, a few teeth and your nose with the flexing of the helmet, but with the Snell type helmets where they do not flex, it tends to break further back down here, which is not really very repairable. Minor surgery can do a lot for your jaw and your face, but you cannot do anything with your spinal cord.

Between full face and open face helmets, I wear both at different times. I would never consider leaving the city doing touring wearing an open face helmet, simply because when you are touring stuff hits you in the face; little bits of blue metal flick up off the road from cars or swirly bits. I have been hit by half a brick in the face.

Full face helmets are really great on the open road, but around town on stinking hot days in Sydney when the humidity is roaring hot and the temperature is roaring hot, open face helmets are my preferred form of helmet in the city, particularly in that hot tropical period that we have through the end of January and February.

**The Hon. George SOURIS:** So really there must be a little bit of delineation here in terms of intended journey and speed. There must be a speed at which stuff hitting you is relevant and there must be an aspect of around town versus going up the F3. But I do see them on the F3 with these cutaways so they must be willing to take the bits that fly up.

**Mr STANFORD:** You choose what you wear when you are going to mow the lawn, depending on the climate and the day. In terms of personal choice, what we are saying here, as long as you have got steel caps on your boots, we do not really mind.

The degree of protection offered by helmet versus no helmet is such a gap that when we start coming down to looking at the difference between full face or open face, we are into the trivial area really. If you look at the data, we cannot really tell the difference. There may be a cosmetic outcome but in terms of safety of did this person die or suffer a brain injury - it is a matter of wearing a helmet or not wearing a helmet.

You could choose to look at everything from an ice cream bucket with a piece of elastic under your chin and that will offer you some protection but when we start looking at the difference between any helmet and that ice cream bucket, you are vastly better off, let alone having no helmet at all.

I do not think I would get too tied up in the open face versus full face debate. As long as the helmet has the necessary protective features, that is what you are looking for.

As I said, I think this is an area of disputation. I question whether Australia can continue to maintain its own standard for helmets because the development work for helmets is being done in other countries and every time a new piece of development is done in another country, Australia has got to modify its standard.

Just simply have a look at the record. There has been a modification of the Australian standard once a year trying to cope with variations, whereas if we aligned for example, with the European standard, then there would be ample opportunity for bringing in helmets from proven jurisdictions.

We also have our standards which are very similar to the Japanese standard. There is like five grams difference in the chin pull test. I cannot see why on the basis of mutatis mutandis why we do not have Japanese standards permissible here, but this continuing adherence to AS1698; I just question whether Australia can really continue to sustain this.

The idea of developing newer Australian standards for protective clothing falls into the same bucket. Australian Standards has been pretty much gutted as an organisation when the assets were basically sold off to SAI Global some years ago and I just do not think that it has the capacity for generating new standards when there are perfectly acceptable standards which exist internationally, which are part of the rules of the game for forming standards.

Michael Richardson mentioned the protective clothing and standards. If you go to our website you will find an enormous amount of work on this where we have sought grants from the Motor Accidents Authority and from other places to look at protective clothing; the quality of it.

There has been already some changes in the Australian market as riders are beginning to wake up to what the features are that are important and we find now that a lot of the rubbish gear is being ignored by riders and disappearing from the market. With rider education, we are making some progress there.

The next step is the question about whether we should be going to this star rating system, which is a very general system but it does give you a bit of a clue as to whether the gear is any good or not; trying to avoid going into all the technical details about what makes the gear useful or not. Basically if it does not burst apart and fall off you in the first place; if it stays there and then has sufficient qualities of abrasion resistance and so on that offer some benefit, plus also containing arm, elbows, wrist points and so on.

Education is the way to go. We have been working with all agencies available to us. We believe that the Good Gear Guide which is a publication that we have been very integral in getting under way, which is written by Liz de Rome. That was from a grant through the Federal Government through our federal body, because as New South Wales Motor Cycle Council we align with the other state bodies and we formed the Australian Motorcycle Council which meets with the Federal Government.

Some funds from there have seen this publication created in its draft form and we are just seeing who is going to stump up and actually pay for printing copies. It is ready to go and it has been ready to go for 12 months. It is sitting there going nowhere. That is just another example of how stuff does not go anywhere.

**CHAIR:** We will try and get that moving. Having said that, we have got to move on, but I would make two comments in relation to what you have said in closing. There was some interesting research from Youthsafe yesterday in relation to farm accidents and young people and all terrain vehicles, so you might be interested in having a look at their paper. There is some oblique criticism in your paper of the terms that would be used to describe vulnerable road users. We searched high and low to find appropriate words that would encompass motor cycles, bicycles, gophers, and it was nearly impossible. This Committee had a long argument about it and unfortunately from your oblique criticism it came up with vulnerable road users. I accept what you have said, however a lot of soul searching went into it.

**Mr STANFORD:** It is in the context that our road safety strategy allows all the crashes to continue. Here in New South Wales crashes are not reportable unless somebody is injured, the vehicle is towed away, a person is on drugs or being uncooperative, so we have got thousands of small crashes happening in the suburbs all the time and they are mostly head light, tail light, a little ding in the door. Those are little crashes that we are not counting. They seem to be perfectly acceptable, in one sense, because the police are so under-resourced or over-stretched that they cannot deal with all of that. We are not actually recording all of those crashes and yet it is that kind of minor crash, which is all that it takes to create a problem for a vulnerable road user. When I have said that the corollary is that we do not have a road safety strategy for vulnerable road users, what we have is a strategy for the assertion of invulnerable road users. That is where we are.

**Mr WOOD:** Regarding protective clothing, I would like to bring to your attention that the MAA has formed a working group on protective clothing. Their first meeting is next week, to consider a business model, to develop a five star rating system and I am the Motor Cycle Council representative on that working group. With regards to ABS on cars, the jury is still out about whether it works on cars or not. The benefit for cars is that it has led to the development of electronic stability control. I think in the same way with motor cycles there are many reports that do not really show that there are benefits for ABS on bikes but it may be that it will allow traction control on motor cycles, which will then prevent a lot of high side type accidents. I think the manufacturers in Europe are going towards mandatory ABS on bikes, so I think we will get it by default. The most benefit will be on smaller ones where the cost is obviously more prohibitive due to the lower capital cost of the bike.

**CHAIR:** Did you say that the MAA has a working group?

**Mr WOOD:** Yes. I am the Motor Cycle Council representative on that and there would be other researchers and others on that.

**CHAIR:** We will write to the MAA. I do not think they drew it to our attention in their submission.

**Mr STANFORD:** I think they did. They mentioned the working party.

**CHAIR:** We will write and ask to be kept informed of the working party's progress.

**Mr WOOD:** Certainly the Motor Cycle Council's position is that we should have a five star ANCAP system so that you have the opportunity of choice rather than going to a mandatory standards type system.

**(The witnesses withdrew)**

**(Short adjournment)**



**DAVID TYNAN**, Survive the Ride Association (NSW), PO Box 5, Berowra, affirmed and examined:

**CHAIR:** I draw your attention to the fact 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 a contempt of the Parliament and is an offence under the Parliamentary Evidence Act 1901. Your submission has been received and authorised for publication as part of the evidence to the Committee. I understand that you have a further document that you would like to be incorporated into evidence.

**Mr TYNAN:** Yes I have.

**CHAIR:** We will accept that as part of it. Would you like to make a brief opening statement before we proceed to questions?

**Mr TYNAN:** Just on the new information that we have brought to the Committee today, the first issue is we have done some research on the level of protective clothing worn by riders, mainly in the Sydney CBD, and that a summary is provided in the notes. Around about 70 percent of people on scooters and 88 percent of the people on motor cycles are wearing jackets on a reasonably cool day, around the 18 to 20 degrees mark. Unfortunately there is only a small percentage of people on scooters wearing gloves, but the vast majority on motor cycles are wearing gloves. On scooters there are very few wearing boots or shoes that cover their ankles, but on motor cycles once again it is a high number wearing boots.

On weekends the numbers are a bit better and we believe that is probably because most people do not have to go to work on weekends and they have a much bigger range of clothing to wear. These observations were made in the last two weeks, so it is pretty much up to date.

The other issue is on the new helmet brochure that has already been mentioned earlier this morning on misleading information. At the recent Road Safety Research Engineering and Policing Conference in Canberra that was raised with the presenter from the Roads and Traffic Authority who presented the brochure and there is now some disagreement between what was presented at the conference in that the brochure is supposed to be a trial and now the RTA is officially telling local government that the brochure is an official brochure. There needs to be something clarified there.

The third issue was on New South Wales transport planning, being one of the issues looked at by the Committee. We have done some digging, trying to find if there is any New South Wales Government information on the number of motor cycles used and trying to figure out why the information open to the New South Wales Government from the ABS is not representative of the transport planning documents, in that there were something like, on the day of the census, 11,000 pedal cycles used to get to work and something like just under 10,000 motor cycles used to get to work, but the number of motor cycles is not represented anywhere in the transport planning documents. We see this as a great oversight in the ability for the CBDs in most city areas to be able to cater for their work force and are making it more difficult for their work force to get to and from work.

**CHAIR:** Would you go through those figures again, the 10,000 and 18,000?

**Mr TYNAN:** Actually I did not bring the right summary page but the Sydney statistical division is broken down by LGA and so we have on the census done in 2006. Around about 11,500 pedal cycles were used to get to work and just under 10,000 motor cycles used to get to work on that day, but that is not reflected in any of the transport planning documents. It is only in their base data that they have available on their web site. In fact, on their 2008-09 travel survey, which was released earlier this year, the words "motor bike" or "motor cycle" are not even mentioned.

**Dr McDONALD:** You talked about tuition.

**Mr TYNAN:** Yes.

**Dr McDONALD:** What pre-licence tuition is available, paid or unpaid, and what post-licence tuition is available? Does the Survive the Ride Association have any access to helping new riders access tuition?

**Mr TYNAN:** We have contacts with a couple of the private providers. I am an ex-employee of a company called Stay Upright, so I have good contacts there and we can advise people to go to a number of companies for paid tuition. Survive the Ride provides theory based workshops, mostly in recent times through the scooter dealer network, for people interested in getting into motor cycling and for people who want a bit of a refresher. As far as on-road tuition, there are a lot of insurance issues there so that is always only provided by private companies. We actually were asked to put in a submission or a tender to the Gold Coast Council to provide some of their services, but we do not have the resources to do that.

**Dr McDONALD:** Do many riders get any form of tuition before they sit the test?

**Mr TYNAN:** In the motor cycle rider training scheme you have a two half day course that you have to do before you get your learner's.

**Dr McDONALD:** Apart from that two half days is there any tuition given before or after it to the majority of riders?

**Mr TYNAN:** I would not say the majority. I reckon there is a small percentage of people who feel uncomfortable or not confident in their ability to sit their Ps test, so they will pay for some private tuition. Most of that is done on the training ranges. Some of it is done on road.

**Mrs FARDELL:** I am aware that in a lot of the rural and regional areas you cannot sit for your test at every RTA as well. I had a representation about two years ago where a chap from Parkes had to go down to Penrith. Now it has opened up at Parkes to get their licences. Are you aware of that, where they are only on their Ls but have to drive a couple of hundred kilometres down the road to get their licence? Are you aware of that?

**Mr TYNAN:** I believe that in some rural areas it is optional for you to do your Ps test. I am not sure what has changed in the last couple of years. I have been out of the instructor testing area for a couple of years officially now. I know things change over time. Back when I was in the system you could attend the courses but it was not mandatory if you were in some areas because of how they worked. The other issue for a lot of rural people, as you have heard this morning, a lot of people ride dirt bikes so most of them are accomplished riders. The only thing they need to learn is how to ride within the road rules.

**CHAIR:** Again, I have never been interested in riding a bike for one very good reason. Have you looked at the RTA test recently and does it deal with issues such as what clothing you should wear, or is it strictly in relation to road rules?

**Mr TYNAN:** In terms of the test, do you mean the course itself, the testing procedure?

**CHAIR:** The test. I assume you have to do the same as when you go for your driver's licence.

**Mr TYNAN:** There is a separate knowledge test for motor cycles. There are questions there on the type of helmet you need to wear, the preferred eye protection, which standards they have to comply with, and the preferred gloves, helmet, jacket and boots. Those general questions are on the test. The way the RTA does it, it does not come up on every single test. There is also a segment in

the training program which you have to undertake for the Ps test and also for the learner's where you are discussing those elements of protective clothing.

**CHAIR:** Certainly down at Camden as a politician I have had street meetings on a Saturday morning in Kearns Shopping Centre and the local fellow who does the training at Campbelltown university came down to see me. He lives 200 metres up the hill. He still had his full leathers on because he said he refused to leave home without his full protective gear, even though it was only a ride down to see me in that short distance. He told me that he strictly emphasised to people who come through his course the importance of wearing proper gear, and I think he is an excellent educator.

Yesterday, we only had mainly bicycle groups in. They talked about the importance of three things: Education, infrastructure and regulatory enforcement. So far we have been mainly concentrating on motor bikes or motor cycles, on the need for clothing. Would you find the same issues for motor cyclists as the bicycle riders described yesterday, education, infrastructure and enforcement?

**Mr TYNAN:** Essentially, yes. Ongoing education is required. You do not get just on courses the skills to ride a motor bike, just like driver training. There are lots of variations in road conditions and different machinery, so that develops over time and particularly in issues such as cornering and braking, it is far more sensitive on a motor bike. That has to develop over time. The brain cannot pick that up in a two day course. In terms of regulation, they are a road user and in my opinion all road users are required to abide by the same regulations, so the level of policing on motor cyclists requires the same as everyone else on the road.

**CHAIR:** Dr Macdonald asked the question of previous witnesses about motor cyclists riding in the breakdown lane on the M5. Should they be punished?

**Mr TYNAN:** That is a leading question. I know John Hartley is sitting in the back of the room so I will not talk about what I do. There are several issues involved. One of the issues is, is it against the law or is it unsafe? In terms of talking to motor cyclists, I do not know of anyone who has actually had a serious crash in a breakdown lane. Maybe the statistics will prove that wrong, but this is only anecdotal evidence and that is not good. I have had a crash in a breakdown lane. It was not my fault though. I know it happens.

One of the other dangers in the breakdown lane is there is lots of small bits of metal and bolts and stuff and you pick it up in your tyres and you can get a flat tyre which can then lead to other problems as well. If it is just an issue of breaking the law, it is illegal. I know on the M2 at some stages over recent years there have been a few blitzes on bikes and riders in the breakdown lanes and, as with most road users, the riders realise where they are going to be caught and they do not ride in the breakdown lanes in those areas. Once again, it has to be looked at as to whether it is an issue regarding safety or an issue regarding law enforcement.

**CHAIR:** Could you just tell us how the Survive the Ride Association came into being and what your membership is?

**Mr TYNAN:** We came into being out of a local government program that was running for several years, which was closed down by elements in the RTA. We thought it was such an important issue, because there was no one focusing just on trying to encourage riders to enjoy the ride and get home safely.

We have heard this morning, for example, from the Motor Cycle Council. They are involved heavily in a lot of the politics as well. We have chosen not to do that; we have chosen just to try and influence riders to take more responsibility for themselves; so we decided to set ourselves up as our own association.

It started off with just a group of four or five members. Since then our membership has not grown enormously but we have a lot of very strong contacts amongst a range of different stakeholders and road user groups. We now act more as information brokers, where we are just trying to get all the best information from around the world and from Australia and get that to riders so they can make a more informed decision about their own approach on the road.

**CHAIR:** I assume you have a website?

**Mr TYNAN:** Yes we do, survivetheride.org.

**CHAIR:** How many members do you have?

**Mr TYNAN:** Financial members we have only about a dozen but those people are networked in with Victoria, Western Australia in particular, South Australia, Queensland, groups such as Ulysses, police forces, various TAC in Victoria for example. So we do not necessarily financially say we have got a huge membership or huge following, but our information that we make available for people goes out to thousands of people.

**The Hon. Robert BROWN:** Your second recommendation in your submission, direct the RTA to fund voluntary post-licence education tuition similar to programs offered elsewhere. What about the concept perhaps in lieu of that of changing the two day motor cycle licensing regime to a three day licensing regime to include actual motor cycle handling? We call it slightly advanced but it is not advanced, you know what I mean. Issues such as you do not go on your front brake as you corner and all that sort of stuff. We have heard witnesses talking about that sort of thing. Rather than leaving it as voluntary and rather than leaving it as voluntary organisations trying to organise that; what are your views on that?

**Mr TYNAN:** A lot of the knowledge about not using the front brake on corners, that sort of stuff, is covered during the learners and provisional courses. There are separate segments on those issues. The unfortunate thing is there is so much other information covered in the courses that it does not necessarily all sink in. The issue of the initial cost of running such an extended program might be problematic. That is why I was suggesting that something like a voluntary program would then be able to be picked up by those people who could actually afford it. Making it mandatory might make it difficult for some people to comply with it.

**CHAIR:** What about a course at the end of the P1 period?

**Mr TYNAN:** Similar to a hazard perception test?

**CHAIR:** Yes.

**Mr TYNAN:** I would have no problems with that if it is part of the same price as what they are already paying for the P's test.

**The Hon. Robert BROWN:** Which is?

**Mr TYNAN:** I am not sure of the price that it is now, but I believe it was \$130 a few years ago.

**Dr McDONALD:** Wire barriers, what evidence is there that they absolutely damage riders in New South Wales as distinct from the theoretical concerns, I am aware of those? What evidence is there of their actual damage already caused and what options are there?

**Mr TYNAN:** Unfortunately, the number of studies done on that are very limited. The data to look at the actual severity of the injuries lies with the Health Department. At the moment we know of a couple of people who are trying to get the information through the New South Wales Ambulance Service to match that with RTA crash data, police event numbers, et cetera. That has not happened yet so an accurate estimate of the level of severity of injury, I really cannot comment on that.

There are two types of injuries that could be caused. One is the standard decapitation, which is very much a big discussion point and there are a couple of instances where a certain level of that may have occurred, although once again we do not know the exact details. The other issue is as the rider slides, they get hooked onto the uprights. Although it does not look as dramatic, the sorts of injuries that can occur can be quite traumatic, including dead arm, similar to what happens in water skiing for example. So you can get some very traumatic injuries that way.

**Dr McDONALD:** But you do not have any firm evidence?

**Mr TYNAN:** That evidence, if it is around, it is not public. We have been trawling all different places to find it but we do not know where it is. New South Wales Health Department has that information, it just takes someone to match the data and that program was being undertaken earlier this year through the Institute of Public Works Engineering Australia, but believe it or not, the project was shut down by the RTA.

**CHAIR:** I think the University of New South Wales will be in this afternoon doing that research and we will be hearing about that this afternoon.

**Mr TYNAN:** That is being picked up?

**CHAIR:** If my memory is correct. Professor Raphael Grzebieta's group is doing research for that. The RTA said yesterday in evidence that they felt that there had not been any motor cycle accidents, say for example on the M5, where motor cycle riders had gone into the wire rope and in fact they felt that the rope had discouraged riders from going too close.

They are now putting white uprights along the wire ropes to give them high visibility. It was an interesting explanation yesterday but we will talk to Dr Wiggers this afternoon.

**Mr TYNAN:** A more effective solution to the problem has been found in Europe where they are putting light weight fabric as a barrier on the bottom on the uprights. I imagine that might even be faster than replacing green uprights with white uprights and cheaper.

**CHAIR:** I do not think they are replacing; all new ones have a standard of white and they did mention they were also looking at fabrics for the future.

**Mr HARRIS:** You mentioned that the RTA should run voluntary programs. Are there any private companies that run advanced skill programs and things for motor cyclists?

**Mr TYNAN:** Several, yes.

**Mr HARRIS:** Is the uptake of those large or limited?

**Mr TYNAN:** Generally speaking their courses are pretty much always full. You normally have to book one or two months ahead. Most of them are run at places like Eastern Creek race circuit. They were run at Oran Park before it was shut down. They are now also run down at the new Marulan driver training centre and also in the rural areas they are run on go kart tracks.

**Mr HARRIS:** Are they expensive?

**Mr TYNAN:** They can be anything from \$250 to \$350, \$400 a day. I am sold on them as an idea. Compared to crash damage, that is a small drop in the ocean. It is a bit like providing ride days for people who like speeding. It can cost \$150, \$200 a day for five or six sessions on the track where you can go as fast as you like in a controlled environment with medical assistance on site and you do not get any speeding tickets or lose your licence. Those two elements provide a lot of good opportunities for riders to lift their skills.

**Mr HARRIS:** If the RTA were to provide voluntary courses, would that interfere with the business that those people have in running those courses or do you see them as being complementary and attract a different market?

**Mr TYNAN:** Generally speaking the companies that do the learner and provisional training, they are the ones who would do the advanced skills as well; so they would simply take it on a larger workforce. One of the difficulties they face is getting track time available, particularly now that Oran Park has gone, so some of those programs would have to be on road type skill development tuition programs rather than being a range or a track based program.

**(The witness withdrew)**

**JOHN DOUGLAS HARTLEY**, Assistant Commissioner, 11 Liberty Drive, Huntingwood, New South Wales, sworn 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 a contempt of the Parliament and an offence under the Parliamentary Evidence Act 1901. Your submission has been received and authorised for publication as part of the evidence to the Committee. Would you like to make a brief opening statement before we proceed to questions?

**Mr HARTLEY:** I have provided a submission on motor cycle and bicycle safety and I will stick with that at the moment.

**CHAIR:** I will ask the question of you that I have been asking of everyone. One of our colleagues, Michael Richardson, Member for Castle Hill, gave graphic descriptions of his accident last year and in his submission he suggested to us that ABS should be fitted, amongst other things compulsorily on motor bikes. There has been some discussion that that will come anyway or electronic stability control. Do you have a view on that?

**Mr HARTLEY:** Not having ridden a motor cycle for 20 years, I cannot speak from experience, but I can say that any safety feature that enhances the capability of the rider I would encourage and support. In general terms, if it is a safety feature, on police bikes we have whatever safety features are available; they are mandatory on our cycles. We take every feature that is safe for our officers.

**CHAIR:** You appeared before us on the Young Driver Safety hearing. Do you feel or do your officers feel that motor bike riders coming onto the roads these days are better trained than in previous years or is the education system adequate for new motor cycle riders?

**Mr HARTLEY:** My feeling is that the course is quite intensive in on road cycling as well, so I think it is important that we recognise it is hands on as well as theory. I think it is better than when I got my licence, which was down the corner and back and that was it. I think it is important that we do support these sorts of programs that have that training part, theory and then practical parts for cycle riders.

**CHAIR:** As vulnerable road users we are concentrating on motor cyclists today.

**Mr HARTLEY:** Yes.

**CHAIR:** We were talking about cyclists yesterday. Are police active in enforcing people who do not wear helmets on bicycles on public roads, or do they tend to caution them?

**Mr HARTLEY:** It depends on the circumstances, Mr Chair. There has been a big push from police to enforce helmet laws. It is a discretionary thing on the officers. Certainly in the Penrith area they are hard on helmets and there is high helmet wearing in Penrith. In country towns in western New South Wales certainly the police are a bit more relaxed about the rules. We are aware of the road safety benefits but we need to be cognisant of the socio-economic background of some of the people we are dealing with. Again, I could find from my folder how many infringements we have issued so far this year if you would like.

**The Hon. George SOURIS:** I would be interested to follow on with the bicycle question, what role you might see that police adopt now with the proliferation of bicycle ways throughout Sydney and the issue in particular where cyclists seem to choose to ride in the immediate carriageway of the roadway, immediately adjacent to the dedicated cycle ways and/or the footpath and/or anywhere they feel like; whether or not it is now time, given the proliferation of the cycle ways, to start prosecuting or getting the bicyclists to actually use the cycle ways themselves.

**Mr HARTLEY:** It is a very hard question. My main job is road safety. I would have to see a road safety benefit to put a lot of resources into bicycle enforcement. We have to encourage and educate people to use those roadways. As far as an intense large public enforcement I would not see it as a road safety benefit.

**The Hon. George SOURIS:** Do you not see it as a benefit to take them off the roadways and put them onto their dedicated cycle ways?

**Mr HARTLEY:** I most certainly do. I might add that there is some difficulty in the apprehension of them, of course. They are on bikes and police are in a car, on a motor bike, or on foot. It is not easy to stop them safely, so there are some impediments to enforcing bicycles.

**The Hon. George SOURIS:** I suggest that if you stand there on foot right next to the cycle way you will see them flashing by just on the other side of you. If you had a net 20 yards ahead you would certainly catch them.

**Mr HARTLEY:** It is certainly an issue I would be happy to have a look at if a problem emerges. We are still understanding this cycle culture in the city and the new cycle ways and how they are going to work or not work. I will look at it with interest over the next few months.

**The Hon. George SOURIS:** I was actually quite surprised at your answer that you would rather deploy yourself on motorised vehicles in other areas and do not consider this issue as much of a safety issue.

**Mr HARTLEY:** I think data would tell us this is not a large injury or fatality causing activity and I think what I am saying is that we need to make sure that we are targeting black spots or targeting high areas of injury, fatals, serious crashes and speeding, school zones as well. The resources have to come from somewhere so I would have to take them from some other enforcement activity, such as school zone enforcement, to a bicycle zone. We can do it but it is a matter of balancing what we see as our priorities on the day.

**The Hon. Robert BROWN:** In your submission you give a good case study regarding the Alpine Way and what was done there to try to reduce the number of crashes because of the increase in popularity of the Alpine Way after it was sealed. I notice you have specified enforcement, education and engineering evaluation. A lot of the witnesses who are representing motor cycle riders and even bicycle riders put forward submissions to say that particular mode of transport is not very high on the radar of the RTA or the radars of other agencies. If you go on to the old Pacific Highway, the Alpine Way, or a number of other motor cycle attractive roads, which means a lot of curves, and that is what motor cycle riders like, what about the idea of specialised signage? You see on most areas where there is black ice or rain the picture of a motor car crossed up in the wiggly lines. Did the group who was evaluating the Alpine Way think about motor cycle specific signage of some sort?

**Mr HARTLEY:** I have not asked them. Again, I do not believe that was an issue that they would have addressed.

**The Hon. Robert BROWN:** I notice that one of the engineering things was removing signs, but from the point of view of riders you do not want them hitting stuff. Probably better still is the attempt to stop them coming down.

**Mr HARTLEY:** I think there is an advantage. The Putty Road is another road that we continually target because of the high speed on that road. Signs at the front and back may say this is a motor cycle safety awareness area. I don't know what a sign might say.

**The Hon. Robert BROWN:** I would be interested to hear if there was any data available on crash statistics on the Alpine Way, because of the way you have described the motor cyclists they are



tourist motor cyclists, specifically going for a ride in that area. You would probably find most of those riders would have good protective gear. Generally speaking, the young guys who ride high powered stuff like to look like space invaders and the older riders like to ensure they are not going to get hurt as much. Do you have any comments on the level of compliance of motor cycle riders generally with safety clothing? We talked about helmets but what about safety clothing?

**Mr HARTLEY:** I think the vast majority of motor cyclists you have described do have the good leathers because they can afford the leathers and the helmets. What I see is people riding to work on their Vespas or smaller bikes in suits and with shoes and that is an issue of concern. The fact is if they come off they will be seriously injured.

**Mrs FARDELL:** Earlier we heard from our colleague, Mr Richardson, and the horrific incident that he had on his motor cycle. He showed us the gear he was wearing on the day and he had one of the enclosed helmets which obviously did protect his head. We have heard from other people with open helmets. In your front line role have you seen a difference in what helmets should be? Do you have a preference one way or the other as a recommendation, or do you think it should be by choice?

**Mr HARTLEY:** Certainly the full face helmet or that type of helmet is the helmet of choice with New South Wales Police. It is the only one our officers use. It does cover the jaw and the face; although, we do have new ones which do unclip. They clip up like a bonnet, I suppose, so you can expose your face, but they do clip down when you are riding your bike and I think the more protection the better protection and the safer you are going to be.

**Dr McDONALD:** The bicycle helmet stuff has been raised by a few people. We get pros and cons. What is your view on the compulsory nature of bicycle helmets?

**Mr HARTLEY:** Wearing my road safety hat, certainly they are of great benefit to making sure that the injuries sustained are less serious if you land on your head, so I certainly support the wearing of helmets.

**Dr McDONALD:** Your statistics say that 40 to 61 percent of bicyclists are at fault in accidents.

**Mr HARTLEY:** Yes.

**Dr McDONALD:** The RTA gave a much lower figure than that. Can you explain the discrepancy? It is page two.

**Mr HARTLEY:** This is from the initial COPS report only, so that is the officer on the scene making an assessment of the scene to start with. It is not the full event that is forwarded to the RTA at a later stage. That is why we have noted there that it is based on COPS. That is our operating system. It is updated there and at the scene. A car has pulled out. John Hartley has ridden into the side. John Hartley has been riding down the breakdown lane and has had an accident with a car. That is the initial police officer's observation on the scene report. At a later stage further facts may come out, or the coroner may not have determined a fault at all, which is quite often the case, so the RTA will conclude there is no-one at fault.

**CHAIR:** I am aware that your police officers that get on the dirt bikes to chase people who are riding bikes illegally seem to have a very high injury rate and they are off because they have broken bones or broken collar bones. Is it just that I found a bad time over the last couple of years or do your officers have a high injury rate on those off road motor bikes?

**Mr HARTLEY:** Yes they do. I do not have control of the cycles. They are attached to local area commands, the off-road bikes. There is a high risk of serious injury, broken bones, off with bad

injuries for long periods of time.

**CHAIR:** As you know, our communities take more offence at noise or related problems, and modern designs of urban areas have walkways through them where people on illegal motor bikes seem to ride up and down and there is a demand for police to go and chase. It must be a difficult job for those areas.

**Mr HARTLEY:** It is certainly difficult. I would like to provide some advice in camera to this Committee if I may.

**CHAIR:** We will wait until the end of your evidence and then we will ask people to leave the room and then we will resume in camera. We will continue on at the moment with your evidence.

**Dr McDONALD:** What would you recommend Staysafe do about motor cycle and bicycle safety? As you know, the numbers are stable for both injuries over the last 10 years.

**Mr HARTLEY:** With the increasing motor cycle population you have got some information there about post mortem results of 64 riders. It does show that 22 of those were under the legal limit but certainly I believe the combination of having a low level alcohol, two beers at lunch or something, drive this big bike, a bit older in age, probably contributed to the crash as much as someone over .05. I think we need an education program. We are looking at the limitations, or BCA limits for motor cycle riders. To reduce that to .02 may be one way of preventing the temptation to have your one or two drinks and hop on a bike, which I believe leads to being off the edge. That is from information I have. I would call it at least an education campaign.

**The Hon. George SOURIS:** In terms of detection of motor bikes, is the new equipment you are using, the mobile cameras and also just simply the cameras that take a photo of the registration plates for cars, are they operable still for motor cycles? Do they work?

**Mr HARTLEY:** Certainly the mobile cameras are not ours. The cameras fitted to police vehicles that take registration plates certainly have the capacity to take a motor cycle plate but mainly they take the vehicle from the front end, coming towards you. Motor cycles do not have front plates so we have to get them from behind.

**The Hon. George SOURIS:** Indeed, does a hand held camera do the job?

**Mr HARTLEY:** We do not have hand held cameras.

**The Hon. George SOURIS:** A police officer standing on the side of the road with a mobile camera, or with some sort of a camera.

**Mr HARTLEY:** It is not a camera at all, it is a speed detector and you pull them over there and then, so it is stopping at the time.

**The Hon. George SOURIS:** So you are saying the only opportunity of taking a photograph of the rego plate on a bike is from the rear?

**Mr HARTLEY:** Yes.

**The Hon. George SOURIS:** Is that a successful result or you do not know because they are owned by the RTA?

**Mr HARTLEY:** No, I do not know.

**Mr HARRIS:** How would you rate the success of the CARES program and would you

support an expansion of that, particularly in regional areas?

**Mr HARTLEY:** I think the CARES program is very beneficial for road safety. I think it does need some more capacity. Expansion to what locations I do not know. It is very resource intensive. From a policing point of view it takes two police officers off the street full time so you would need to ensure that we had the resources there to service the area if it was a location given at Orange or somewhere that we could expand and have police to do the job.

**(Evidence continued in camera.)**

**(Public hearing resumed.)**

**The Hon. Robert BROWN:** You notice police on bicycle patrols in the CBD. What other jurisdictions have specifically bicycle patrols?

**Mr HARTLEY:** Most local area commands across the whole state have the opportunity to have push bike patrols. There is a course run and a large number of officers trained but again, it depends on the priority of the local area command whether they have enough bodies to ride those cycles. They are more discretionary.

**CHAIR:** Down at Camden, Mark Scanbury rides his bike all around; they ride to local schools. It is a great thing for the young people to see, police on their bicycles.

**Mr HARTLEY:** I think they are a fantastic asset.

**The Hon. George SOURIS:** Would they be able to do a bit of work getting the cyclists to use the cycleways?

**Mr HARTLEY:** They will and I will certainly reinforce to the local commander in the city that we need to try and encourage the cyclists to use their roads, but they are entitled to use whatever part of the road they want pretty much.

**CHAIR:** It is not illegal to use the roadway?

**Mr HARTLEY:** That's right.

**Dr McDONALD:** Bicycles and footpaths. One of the major barriers to older people returning to bicycling is safety and some of my older constituents have said they would like to be able to ride their bicycle on the footpath for safety but it is not doable. Do the police have any attitude about that?

**Mr HARTLEY:** We would say it is illegal, do not do it. The amount of elderly people I see reported hit by cycles on cycleways have pretty great injuries, so you should not do it.

**CHAIR:** I think an emerging issue when we talk about vulnerable road users is gofers or mobility scooters. Certainly I know at Camden, I will use an example of one person who goes down about two kilometres out of the town centre and drives right alongside the road because he can see the white line, I think and I have nearly been run over on the footpath in Camden by one person. Are the police getting more inquiries about those mobility scooters?

**Mr HARTLEY:** We actually had one fatality this year involving a motorised scooter which they are classed as pedestrian, so it will not be a road death but it will be a fatal injury received on a footpath.

**CHAIR:** Can you say how it happened?

**Mr HARTLEY:** I think the case is still being heard, I have not got the final figures on it. Motorised scooters, I think we are probably seeing a few more used and better paths being produced

around a lot of locations for those, particularly I went through Nambucca last week and there was a great pathway made particularly for these scooters.

**Dr McDONALD:** Power assisted bicycles. What is your attitude to those and what should be done?

**Mr HARTLEY:** We have certainly had a lot of correspondence and discussion but it has probably been twelve months since it was raised. There have been some imported cycles that have more than the 200 kilowatt power. They look like a motor bike; they are a motor bike in my opinion and they are very dangerous when they are weighing 100 kilos and can do between 40 and 70 kilometres per hour. I think the ones that are a small motor attached to a push bike, ridden on the roadway, no problems at all, but these ones that are designed as a motor bike, an electric motor bike, are dangerous, particularly when used on footpaths and other areas when they weigh 80 or 100 kilos.

**The Hon. Robert BROWN:** The suggested changes with electric pedal cycles are that the power be allowed to be increased but the electronic controls limit the speed at which the power can drive a pedal cycle. Do you support that?

**Mr HARTLEY:** I have not seen the details so I cannot comment on that at all.

**(The witness withdrew)**

**JOHN HENRY WIGGERS**, Assistant Director, New South Wales Department of Health, 73 Miller Street, North 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 a contempt of the Parliament and an offence under the Parliamentary Evidence Act 1901. Your submission has been received and authorised for publication as part of the evidence to the Committee. Would you like to make a brief opening statement before we proceed to questions?

**Dr WIGGERS:** I am just happy to take questions.

**The Hon. Robert BROWN:** On page five of your submission you recommend that consideration be given to mandating protective clothing for motor cycle riders. Are you aware of the current debate surrounding the compulsory wearing of helmets for bicycle riders and what do you think about arguments advanced? We have had one set of arguments advanced by a previous witness here for making this voluntary, making it not mandatory, including the health benefits of encouraging people to ride bicycles who are disinclined to do so because of the helmet laws.

**Dr WIGGERS:** Our view is that based on the evidence that is available to us, that we support the current regulations requiring mandatory push bike helmet use. The evidence we refer to there, there has been a number of systematic reviews over a decade or so. One of those most recently updated in 2006. Based on that evidence we think the current policy setting is appropriate.

**Dr McDONALD:** How do you respond, moving on to the public health issues in that helmets are a disincentive for more people to take up cycling, so while we would all agree that if you are riding a cycle it is safer to wear a helmet, they do act as a barrier for children especially to take up cycling and are frequently ignored in the poorer socio-economic groups. How would you respond to the fact that it may be better to have more people cycling than less people cycling safely?

**Dr WIGGERS:** There are two points to my answer. One is again, another systematic review which looked at the effect of legislated bike helmet use. It has concluded that the studies, even though they are not controlled trial studies, the results suggest that there is a beneficial effect from mandatory bike helmet use.

In terms of the disincentive it may have, there is some data that suggests that that may be the case. I am not disputing that it is a reasonable question and I think there is an opportunity for further work to establish the veracity or strength of those points of view.

However, we have a challenge I think in the sense that it may well be if they were voluntary that children or adults may be more likely to ride push bikes but there is a significant risk that one or two may well pay a price for that.

There is a trade off between population health benefit and individual health risks. That is a challenge; it is a difficult one but on the basis of the evidence we have, we think notwithstanding that tension we have between the population and individual risk, it is our view the evidence suggests we should stick with the current policy setting.

**Dr McDONALD:** The motor cycle people have mentioned wire barriers. Is there any evidence from New South Wales Health as to their safety or otherwise?

**Dr WIGGERS:** I am not aware of any evidence surrounding wire barriers.

**Dr McDONALD:** In either direction?

**Dr WIGGERS:** No.

**The Hon. George SOURIS:** Still on helmets and motor cycles. We have heard some evidence for and against the motor cycle helmets that are completely closed as opposed to the ones

that are cutaway like so. Have you any view on that? I would be interested to hear if you have any views on whether or not mandatory full-face helmets ought to be something to be considered or whether yourselves also are equally conflicted with the for and against in both cases.

**Dr WIGGERS:** I am not aware of evidence which supports either side to be honest. I am aware there is the debate but I have not seen any evidence which in a sense suggests conclusively or suggests a direction one way or the other. My view is currently a matter of opinion rather than a matter of evidence as to which way to go.

**The Hon. George SOURIS:** Earlier this morning we had a colleague MP who had had such an accident. He brought in his helmet to show us and of course there were considerable skid marks all across the front. He said the doctors said that otherwise he would have had very significant facial injuries which were prevented by that fact, but we have also had the opposite view.

**Dr WIGGERS:** If I can respond to that, I think there will always be individual incidents where full protection has a benefit. Again it is that same issue where full protective helmets provide more protection for an individual but whether it makes a net difference over the total trend of injuries is yet to be proven.

**Dr McDONALD:** Page three in the submission says that 10 pedal cyclists died as a result of injuries sustained in non-traffic accidents. Do you mean traffic accidents or non-traffic accidents there?

**Dr WIGGERS:** Non-traffic.

**Dr McDONALD:** Either way there are 197 cyclists killed but no significant change from 1998 until 2007. What should the New South Wales Government do about the fact that there has been no significant change? What do you suggest we should do?

**Dr WIGGERS:** It suggests that maybe the current policy settings are adequate and appropriate.

**Mrs FARDELL:** Dr Wiggers, I notice in your submission about collecting data for the health outcomes and statistics tool kit that it does acknowledge some shortcomings there, if you can elaborate on that, and also other submissions we have received make reference to the fact that we know there are fatalities but are not getting the record of severity of injuries sustained to affect decisions being made.

**Dr WIGGERS:** The data that we cited in our submission comes from our hospital data sets, which is the data collected for medical clinical purposes. This provides a rich source of information as to the current trends in terms of mortality and hospitalisation. The limitations from those data sets relate to their purpose. One of the questions is our numbers, our data is different to RTA data and that, in our view, reflects a difference in purpose. The RTA data is collected by police on the scene in the main. Our data is collected by clinicians in emergency departments who are collecting that data with the purpose of diagnosis and treatment, which is different to getting detailed cause and effect, or situational characteristics of the accident itself. Our data has those limitations but still has the value in terms of indicating the burden on hospital systems and the burden on community health.

**The Hon. Robert BROWN:** In your submission, the bit about wearing helmets and protective clothing, you stated ambulance service paramedics attend a significant number of motor cycle accidents and their data suggests certain things. In the hospital data that goes into the system that Mrs Fardell was talking about, does that include the ambulance service on site treatment or only trauma unit?

**Dr WIGGERS:** Only trauma unit and hospitalisation and admission data. The ambulance system is separate from the hospital system.

**The Hon. Robert BROWN:** In terms of the point about how the RTA system is different because it is seeking to measure different things, surely the ambulance service is seeking to measure similar things to the trauma unit, so is there any opportunity for those data sets to be combined?

**Dr WIGGERS:** The question you raise is in the concept of data linkage. It is our view that data linkage is an excellent tool for diagnosing and identifying trends across government agencies and other sources. There has been one attempt a number of years ago, through the Injury Risk Management Research Centre, to get some data links that occurred on single occasions. Since that time there has been a centre established with the acronym CheRel to facilitate data linkage across government agencies and we would support that facility in looking at this.

**The Hon. Robert BROWN:** Do you have any information as to how far advanced CheRel is?

**Dr WIGGERS:** That system is in operation and the area health services can access the data through ethics and other procedures.

**Dr McDONALD:** Drugs and alcohol: You talked about motor cycle and bicycle injuries and fatalities. Assistant Commissioner Hartley did raise the issue of dropping the level from .05 to .02. You also talk about the effects of benzodiazepines. Are there any statistics of how many bicycle riders are affected by other drugs? We have alcohol.

**Dr WIGGERS:** I do not have them. I am not aware of those. I would imagine that there would be some surveys or other hospital data sets that have that information, but I am not aware of it.

**Mr HARRIS:** Your submission talks about the lack of a centralised collection of data on off-road injuries and fatalities.

**Dr WIGGERS:** Yes.

**Mr HARRIS:** Can you elaborate if that existed how that would impact on road safety education and risk prevention?

**Dr WIGGERS:** That falling through the cracks, if you like, results in a lack of oversight by any single agency or any collective of agencies and, as a consequence, it appears to us that that mitigates or limits the focus on any agency in terms of addressing that particular issue. Our view is that we need to collect some data but, more importantly, we need a system whereby there is an agency or collective of agencies to respond to such data. The data suggests there is a particular need and that sort of approach is warranted.

**Mr HARRIS:** Would that include things like motorised scooters that a lot of elderly people are using now?

**Dr WIGGERS:** That is another suggestion that there is a significant number of elderly people who die as a result of accidents using motorised scooters. Those sorts of forms of transport, in our view, need to be brought into a system whereby they are thoroughly monitored and responded to where needed.

**CHAIR:** Following on Mr Harris's question I was interested that you quoted that the ACCC has put out a brochure about mobility scooter safety and said that 71 elderly people have died from mobility scooter accidents in Australia since 2000. Assistant Commissioner Hartley knew of one death from a mobility scooter. Do you think if we go to the ACCC web site that we could get that brochure, or is it not widely available?

**Dr WIGGERS:** I can undertake to provide that for you.

**CHAIR:** I read the report of the Victorian Drug and Alcohol Committee but there were too many drug descriptions in it for me to adequately understand. About two years ago they did a big survey into the use of drugs and particularly in relation to driving and prescription drugs.

**Dr WIGGERS:** Yes.

**CHAIR:** I note that you made some comment about prescription drugs. What would you test for in the blood of someone who has been in a road accident, just alcohol, or do you test for other things?

**Dr WIGGERS:** I think it is important to continue to monitor or, in a sense, continue on the work of the Victorian study to ensure that the patterns observed there improve, or get worse, or change. There are new drugs coming on to the market with different levels of effect in terms of drowsiness and lethargy. What we are proposing is that it needs to be an ongoing monitoring of that, such that if there is a particular problem that emerges with a particular medication that we respond to that. It is particularly important from a patient's safety in a hospital system to ensure that when drugs are prescribed if warnings are needed the clinicians can provide that to patients getting the medication.

**CHAIR:** I have been on long-term medication but in the last year or so suddenly on the medication up popped a warning that this may cause drowsiness if combined with alcohol, which is a surprise to me. I am glad to know it. Are prescription drugs regularly reviewed?

**Dr WIGGERS:** That is not in my area of expertise. I do know more broadly that where research is done and new evidence comes to light, that goes through the pharmaceutical approvals process internationally and in Australia and it is not uncommon for those new warnings or new contraindications to be listed. There are cases where drugs are withdrawn from the market because of new evidence which has become available. There is continuing research to identify, in a sense, and that is the subject of our proposal. We need to monitor that and ensure that these reportings are provided.

**CHAIR:** There was a weight loss drug that had a lot of publicity in the last few days and that drug was removed.

**The Hon. George SOURIS:** Reductil.

**Dr WIGGERS:** That is right. There is continuing research and evidence about changes and there needs to be a response. We need to respond to new evidence around drugs themselves. What we are suggesting is we need a capacity in a response to change the prevalence in response to changes in prevalence of problems we have.

**The Hon. George SOURIS:** Do you not test for the presence of pharmaceuticals because it is costly or time consuming, those sorts of issues, or maybe no-one has asked you. You said that you conduct certain tests as would be relevant to the medical condition of the patient that arrives, rather than almost the statistical reason for collecting, whether or not and which pharmaceuticals are present.

**Dr WIGGERS:** In the hospital situation?

**The Hon. George SOURIS:** In the hospital situation, yes.

**Dr WIGGERS:** We do not actually test for drugs. We see if we can get a drug history from the existing medical records or the GP records. I am not aware of testing for a particular prescription drug as an indicator of usage or otherwise.

**Dr McDONALD:** Just for alcohol?



**Dr WIGGERS:** Just for alcohol, yes.

**The Hon. George SOURIS:** You do point to this in your submission and if the hospital does not collect this information I do not know how it could possibly be collected at all.

**Dr WIGGERS:** It can be collected in the hospital system from the drug reports or the medication history, if you like. I am not sure, this is again out of my area of expertise, as to whether those sorts of drugs are tested by police at the roadside for people involved in accidents.

**The Hon. George SOURIS:** I do not think the police have the ability. The random drug unit, of which there are two in the state, only test for, I think, three illegal drugs. No need to name them.

**The Hon. Robert BROWN:** Cannabis, ecstasy and narcotics.

**The Hon. George SOURIS:** That is only the two units, if they happen to be there. I guess we are not really going to go down a path of finding this out, are we?

**Dr WIGGERS:** If you come back to the data linkage issue where we can go to the hospitals admissions data and there are drug histories in the data, there could well be linkages back to RTA data of the involvement of people on particular medications in accidents.

**The Hon. Robert BROWN:** Just coming back to the previous question about the use of CheRel, do you have any data on the uptake of that?

**Dr WIGGERS:** No, I do not.

**The Hon. Robert BROWN:** Can you tell us who we would talk to, to try to find some data?

**Dr WIGGERS:** I can provide that information to you.

**CHAIR:** Just for Hansard, what is the acronym?

**Dr WIGGERS:** I will make sure I get it right. C-h-e-R-e-l is my memory of the acronym, but I can give you full details.

**Dr McDONALD:** The Victorian Staysafe Committee or its equivalent talked about bicycling as the trade-off between positive benefits and the risk of injury and came down on the side of bicycling is good for you because the health benefits outweigh the risk of injury. For motor cycles it appears to me there is a lot more downside and not much of an upside.

**Dr WIGGERS:** There is no physical activity in motor cycle riding. It is about the activity benefits of push bike riding.

**CHAIR:** Your submission details that the Area Health Service is doing some initiatives for promoting safer pedal cycling. Could you tell us how they are co-ordinated and how they are funded?

**Dr WIGGERS:** The funding is through the Area Health Service health promotion programs. They receive funds from New South Wales Health and some of those units receive funds from the local area health service. It is from those pools of funds, at the regional health service level, which make decisions as to what sort of initiatives they undertake. I am not aware of any co-ordination. There may well be but I am not aware of any co-ordinated approach to those areas doing that. As you can note in the submission, there are a couple of area health services doing that, not all of them.

**CHAIR:** You have talked about Farm Safe and certainly Youthsafe yesterday gave some details of off road accidents and people working on farms having rollovers and people who are doing

it for recreation have other ways. What is the work that New South Wales Health is undertaking with Farm Safe?

**Dr WIGGERS:** There is a particular funded group in Hunter/New England Area Health Service based in Moree and they have done a lot of work, particularly in terms of quad bike rider accidents, both for adults and children, because there is a lot of use of those vehicles on farms by different age groups and they have done a number of studies, national and state-wide studies, looking at the opportunities for preventing those. From memory they were fairly instrumental in putting in roll facilities on quad bikes on farms to prevent some of those injuries.

**The Hon. Ian WEST:** If I can ask for some elaboration on the figures that you have given on pages one and three in your submission in regard to pedal and motor cycle injuries on road and off road. There seems to be, when looking at the comparison between the pedal and the motor cycle injuries on road and off road for the period indicated, a similarity in the numbers. For example, pedal cyclists off road injuries that have resulted in hospitalisation is 12,000 and injuries from motor cyclists on road that have resulted in hospitalisations is something like 17,000. Has there been any statistical drilling down of those figures to indicate the type of injuries that have occurred and the length of hospitalisation?

**Dr WIGGERS:** I am not aware if it has been done but that is something that I could look into and provide further data. Clearly this is a summary of data and we can provide more extensive data, hence these summary points on these pages.

**The Hon. Ian WEST:** When one looks at the pedal cyclist injuries on road of 11,893 that have resulted in hospitalisation, that is a much more stark figure than saying that there has only been 10 people killed and the obvious social impact, cost effectiveness of dealing with that amount of hospitalisation. It would be fairly important for us to understand just what cost is involved in that because that is quite a large number, if we are talking about serious brain injuries and injuries to limbs and parts of the body that are life long, as opposed to a sprained ankle.

**Dr WIGGERS:** Yes, agreed. I am not sure that we can provide data on cost or severity but I will undertake to provide what we can in terms of the type of injuries that underpin this data and there will be an indication of what proportion are head related injury versus arm or leg injury.

**(The witness withdrew)**

**(Luncheon adjournment)**

**RENA FRISWELL**, Research Fellow, New South Wales Injury Risk Management Research Centre, Old Main Building, University of New South Wales, affirmed and examined:

**SHANLEY CHONG**, Data Manager, New South Wales Injury Risk Management Research Centre, Old Main Building, University of New South Wales, sworn and examined:

**JULIE HATFIELD**, Senior Research Fellow, New South Wales Injury Risk Management Research Centre, Old Main Building, University of New South Wales, affirmed and examined:

**RAPHAEL HILARY GRZEBIETA**, Chair of Road Safety, New South Wales Injury Risk Management Research Centre, Old Main Building, University of New South Wales, affirmed and examined:

**MICHAEL BAMBACH**, Research Fellow, New South Wales Injury Risk Management Research Centre, Old Main Building, University of New South Wales, 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 a contempt of the Parliament and an offence under the Parliamentary Evidence Act 1901. Your submission has been received and authorised for publication as part of the evidence to the Committee. Would you like to make a brief opening statement before we proceed to questions?

**Professor GRZEBIETA:** Our submission was provided in two parts. One relating to motor cyclists into barriers generally of which wire-rope are a part and also a second part which is dealing with cyclists' safety.

The section on motor cyclists into barriers is handled by me, Mike Bambach to my right and Rena Friswell on the far end. On the cycling I have been involved, Julie Hatfield and Shanley Chong have been involved.

You have the submission before you. I do not think there is any point in going through that because I think you have read it. Presentations in evidence, whichever of us have been handling that specific area, will respond to that.

**CHAIR:** I would like to know, we have had a few inquiries from people giving evidence about no studies being done into the effects of motor cycles going into wire barriers. I understand the RTA is in fact paying for this research. How is it going?

**Professor GRZEBIETA:** For starters, it is not just the RTA. This has been a question that was raised three or four years ago and I saw that there was a gap in this area. So I then approached not only the RTA but the MAA, what is now Transport New Zealand, Western Australian Office of Road Safety Main Roads and also the Australian Automobile Association. All of them had an interest in answering this question, because we were suspecting that it was a beat up, effectively a red herring and which has turned out it actually is.

What we found was quite interesting, in that we found that motor cycle impacts into barriers was a very low percentage of motor cycle fatalities and we suspect injuries as well. Mike Bambach might be able to answer those questions on the injury side of things. He has also been looking at that.

Our study is not unique. There have been other studies. I was involved in a study in Germany with Alexander Burg from DEKRA. DEKRA is a company very similar to the Australian Road Research Board being the German equivalent.

We did some studies and looked at motor cyclists hitting guard rail, concrete and wire-rope barriers. There is also currently a study going on in the US that has been headed up by Associate Professor Clay Gabler from Virginia Tech. He is looking at it in particular in Carolina where they have wire-rope barriers and motor cyclists impacting those types of barriers, but also impacting guard rail and concrete barriers.

I am on a panel which is with the US Academy of Sciences assessing that project. In fact it was myself and Clay that managed to secure the funding in the US, which was about half a million dollars, from the US Federal Highway Safety Administration, to fund that study.

What we are finding is similar numbers. It is a small problem. If you try and fix roadside barriers in terms of their friendliness to motor cyclists impacting them, you are simply not going to address the motor cycle fatality injury problem. A lot of money will be spent in an area which is really not going to give you much return.

What we found was that three out of every four fatalities that occurred related to motor cycle into barrier impacts were related to speed, alcohol and drugs. Our perspective of this is that we should be addressing really other issues in terms of safety of motor cyclists on roads.

Having said that though, we believe that there is considerable scope for reducing the number of such fatalities. What we found was that fatalities are occurring on weekends, on clear days, roughly between 11 o'clock in the morning through till about six in the afternoon. It is recreational riding, up in hilly mountains, where it is challenging for motor cyclists to be able to ride along these wonderful picturesque roads.

If we target black spots we feel that we can probably focus what small resources we have optimally in this particular area. In fact, in Adelaide they are now doing this on some of their weekend motor cycle runs. They are putting aprons down in front of W beams.

It is not wire-rope that is the problem; it is actually W beam guard rail. The majority of fatalities are occurring with those barriers. There is also now a new standard that is coming out of Europe. That standard has now been incorporated into the Australian standard for roadside barriers as a non-mandatory test. I am on the committee, together with the committee chair, Professor Rod Troutbeck and with all of the state road authority, heads of road safety sections, dealing with roadside barriers.

We are aware of that standard. We are using that standard and any new systems that are developed that claim they are "motorcycle friendly" barriers are to incorporate this test. The test is effectively sliding a hybrid III dummy equivalent to a 50<sup>th</sup> percentile male, which is about a 75 kilogram male, into the roadside barrier and ensuring that the loads representing injuries that are measured to the head and chest are below a certain level.

This dummy is fired at 60 kilometres per hour at a 25 degree angle. Any new barrier systems that are now developed, do not have to comply with that test but they can and particularly if the manufacturer is claiming they are motor cycle friendly barriers, then they need to comply with this test.

**CHAIR:** Moving to the other factors then, Assistant Commissioner Hartley suggested this morning there might be some benefit in reducing the alcohol level to 0.02 for motor cycle riders.

**Professor GRZEBIETA:** I would heartily agree with that. Riding a motor cycle is a complicated exercise. It is much more demanding in terms of driving load on the rider compared to driving a car. You have to be defensive in your driving. You have to be aware of small defects in the road, like potholes or drop offs. There has to be considerable focus and it demands full presence of your mind while riding. Alcohol reduces that focus. I would heartily agree with that.

Can I just add one more thing, sorry, I forgot to mention in relation to the wire-rope barriers. In New Zealand, Fabian Marsh actually installed wire-rope barriers along Centennial Highway. He had cameras installed on that section of road, which is dual lanes going either way. He recorded on one instance a truck that was out of control. It was obvious from the video that someone had fallen asleep in the truck; because you could see they drifted, hit the barrier and then got deflected back and kept on driving.

Within moments there were two cars and two motor cyclists coming through. That truck was going at 80 kilometres an hour and would have taken out the motor cyclists likely seriously injuring or

killing the riders. That is why in Sweden we see a reduction in motor cycle fatalities wherever these systems are installed, because what these barriers are doing is separating the laneways and protecting against such impacts.

**The Hon. George SOURIS:** Speed, alcohol and drugs. I am most interested in the drugs aspect. You have indicated now that is the third highest observable factor. I wonder which drugs you are talking about; how the information is collected and whether the effect of pharmaceutical drugs, together with alcohol or just on their own, is included in your thinking when you said what you said?

**Professor GRZEBIETA:** We did not distinguish between the different levels of drugs but I would defer to either Julie or Rena to answer these questions, because we just simply looked at whether there were drugs present. The coroners' reports indicated a drug presence. I do not think we monitored whether it was cannabis.

**The Hon. George SOURIS:** It would have been one of the three illegals?

**Dr BAMBACH:** They state in the toxicology report actually what drug it is. It was all of them - I cannot remember exactly the numbers but it was cannabis, amphetamines and also prescription drugs.

**Dr McDONALD:** This is for the bicycle people. Helmets have come up. What is the IRMRC's view, because you describe less injuries in the 0-14 age group. Is that because of helmets or because the helmets stop people riding?

**Dr HATFIELD:** I actually described it as a lowering of injuries in the 0-14 age group and as I have said, it is very difficult, given the absence of exposure data to know to what extent these patterns reflect participation rates and I would say they largely reflect participation rates.

What that has to do with helmet wearing is an even more hidden issue. In a way, the answer is I do not think that question can be answered. There is evidence to suggest that forcing people to wear a helmet might reduce the participation rate but I think across the board the evidence relating to just about every aspect of this issue is fairly inconsistent.

**Dr McDONALD:** The reason I am worried is that people riding bicycles, the baby boomers, learned to ride without helmets. They have gone back to it, having ridden a bike as a child. They are now starting again. I am worried that the longer term participation rate in cycling for this generation, compared with previous generations, may cause problems in the future.

**Dr HATFIELD:** Quite possibly. The issue is around whether there should be mandatory helmet wearing. As a personal choice there is probably not much argument that putting a helmet on your head protects it. Once you make it mandatory it has all kinds of other implications in terms of participation and in terms of risk compensation behaviour, which might have something to do with the across population findings which, as I said, are also inconsistent. I think that in a way the helmet issue is best steered away from, in that there is a law. That law is very unlikely to be repealed. Repealing that law might send problematic messages and there are more important things to focus on in cycling safety.

**Dr McDONALD:** The lack of dropping off of injuries over the last 11 years, what should we be doing?

**Dr HATFIELD:** Probably the best approach to take to cycling safety is the approach currently taken to road safety more generally and that is the safe systems approach, so providing a safer system, which we do not understand perfectly at this time but I would say that the evidence is heavily in favour of providing cycling specific infrastructure, so where you have a cycling lane marked on a road that makes the road considerably safer, in fact about twice as safe. Cycling paths similarly, provided they are paved. Anything that provides a safer place for cyclists to ride will not only increase safety but will increase participation and the evidence suggests that increasing participation gets you more bang for your buck. You increase safety by increasing participation. The

other big one is speed management.

**Dr McDONALD:** Of bicyclists?

**Dr HATFIELD:** Yes. In a way it can be regarded as soft infrastructure. It is invisible infrastructure, but probably more motorists around cyclists. I think that one way to go with this that does not step on too many toes is looking at low speed cycling routes for which motorists have higher speed alternatives. Potentially it is a win-win for everyone. You have a safer corridor for cyclists and pedestrians and potentially better for business and liveable cities and so forth, whilst also not really impeding the traffic too much where there are higher speed alternatives.

**Dr McDONALD:** That is the 10 kilometre zone?

**Dr HATFIELD:** I would be looking more at a 30 kilometre zone, so not so much a shared zone, it is still a road but it is a cycling route that connects key destinations, where the traffic is speed limited at 30 kilometres per hour and that will substantially bring down the injury severity and reduce the likelihood of incidents on those routes. It would reduce the severity of any incidents that do happen on those routes. It would increase cycling participation because it makes it safer and therefore is perceived as safer and also more convenient and, as I said, that improves safety.

At the same time it has the role and benefits for pedestrians and mobility and so forth, without necessarily hampering traffic flows too much, because there are higher speed alternatives. Obviously it needs careful planning to decide where they go and where the higher speed alternative is, but it is definitely a very viable option.

**Dr McDONALD:** Should Bourke Street have been a 30 kilometres an hour zone with a green line on it rather than what has happened?

**Dr HATFIELD:** Yes. Bourke Street obviously is another one of those highly contentious issues. It is very nice to see something done for cyclists and to see it being done physically because that has impacts in terms of participation and so forth, and good will. If that turns out to not be particularly safe infrastructure, it is unfortunate. The bi-directional nature of that cycle way troubles me somewhat. The evidence which exists, and there is not a great deal of it, suggests that bi-directional bicycle traffic which is on the wrong side of the road for one of those directions can create problems. Maybe that happens just in the transition phase and when everyone adjusts to it and it is normal then probably less so, but in the meantime it is a little bit dicey.

**The Hon. George SOURIS:** Doctor, did you do psychology or anything like that?

**Dr HATFIELD:** I did.

**The Hon. George SOURIS:** I am trying to get into the brain of the cyclists. You may well have just indicated that there is possibly a fear that there is not enough space, a fear of scraping or colliding. Is that what you were alluding to in that answer?

**Dr HATFIELD:** There I am talking about real effects. It is probably a problem for both motorists and cyclists but it has a lot to do with motorists not knowing where to check for on-coming traffic.

**The Hon. George SOURIS:** I meant in the double cycle way.

**Dr HATFIELD:** That is right. There is a real safety issue with those insofar as the drivers at an intersection, because they look to their right, and potentially they have bicycle traffic coming where they're not expecting it from the left because it is on the wrong side of the road. With cyclists, part of the issue depends on the infrastructure. The narrowness of it can be a problem, depending on

design and the location in relation to parked cars can also be a problem. Where a car door can swing across the cycle lane it can also swing out onto the road. The problem is the mismatch between the perception I am safe because I am on a cycle way and no problems, I do not need to look out for cars and the fact is that you do need to look out for cars because you could still have a car door swing out across the path is also another issue. Design becomes really important with those kinds of facilities, as with any facility.

**The Hon. George SOURIS:** I observed one morning at Bourke Street at 7.30, which was peak hour, while waiting for the shirt laundry to open, and I have taken photos and they are in here and I will show you later if you like, but I took photos of four cyclists who were riding on the roadway right next to this green painted double lane with block protection, or whatever they call it. Another one was on the footpath and I did observe a pedestrian using the cycle way, but then there were three other cyclists who did. That is not a good ratio and probably why I was asking the question about psychology. What is in their minds that they do not use it when it is right next to where they are riding.

**Dr HATFIELD:** There are two issues that could also be mentioned. It is partly speed. I will address speed first. Sometimes travel on those can be slow, particularly if they are shared with pedestrians and cyclists would rather take their chances on a road which is why I think routes with a 30 kilometres per hour speed limit are a good option because they allow cyclists a fairly unimpeded flow whilst also improving their safety. The other issue is that a lot of the infrastructure is not yet well connected. Even the Bourke Street cycle way you have a block where you have that lovely lane and then it runs out and then you are stuck with having to get from this side of the road to the other side of the road at an intersection. Matters may improve once the infrastructure is finished and better connected.

**The Hon. George SOURIS:** I agree. None of them did this but I felt that they are not getting in there because they know they cannot escape until the end.

**Dr HATFIELD:** That is right.

**The Hon. Robert BROWN:** Dr Hatfield, can I burrow into this business about reducing the travelling speeds in cycle corridors? I think that you confirmed that what you are talking about is shared vehicle cycle corridors.

**Dr HATFIELD:** That is correct, which is where most of the accidents happen. Most cyclist injuries relate to collisions with motor vehicles.

**The Hon. Robert BROWN:** I do not know whether the statement was yours or Dr Wigger's contribution, there needs to be a shift away from the notion, perhaps in planning, that roads are for cars to roads are for multiple users. If you look at Australia and particularly our large centres, our CBDs and our large industrial areas, the fact of life is that roads are and were designed and have been put there for cars and trucks. If you were to create a network of the 30 kilometres per hour road where there are other high speed routes, and a perfect example would be the Epping tunnel and Epping Road, where Epping Road has deliberately been changed to provide a cycle way, therefore the speed of the vehicles on Epping Road is not 30 but it is probably still 50 or whatever they can get away with, would that be an area where you could try an experiment, for example?

**Dr HATFIELD:** I think Bourke Street is another one, or was another one.

**The Hon. Robert BROWN:** Bourke Street or Bourke Road?

**Dr HATFIELD:** Bourke Street.

**The Hon. George SOURIS:** Down the airport end it is called road. Up at Taylor Square it is

called street.

**The Hon. Robert BROWN:** One end is industrial and the other end is cosmopolitan.

**Dr HATFIELD:** Yes. Potentially we could have gone a different way with Bourke Street because there are high speed alternatives available in the near vicinity. It does connect key areas in the city. That is the kind of thing. It would require substantial planning to look at which are the key areas that need to be connected and, where there is existing cycling infrastructure, how can it tie into that and where there is public transport how can it tie into that and where are there high speed motorised alternatives.

**The Hon. Robert BROWN:** One example is the M2, a 70 kilometre per hour two lane freeway and the opposite end is the Gore Hill freeway, both probably too dangerous for experienced riders, and right smack bang in the middle you can have an alternative low speed route which could be used for experiments perhaps, not the whole route but from say from Epping or somewhere out there into the city for part of it, because it would appear to me from a cost point of view, and the Government having so many problems with vehicular congestion, that to start knocking off 60 kilometres per hour roads would be a far more expensive option than actually spending the money to find a corridor for a deliberate bike path. Would you agree that a deliberate bike path would be a better option, money aside?

**Dr HATFIELD:** Not necessarily. By deliberate bike path do you mean a bike path for bikes only?

**The Hon. Robert BROWN:** Yes.

**Dr HATFIELD:** I am sure where those are possible that is great. As you say, we do have a situation where the road network is as it is and so we need to find solutions for integrating different modes of transport. Whilst roads have been for cars it is becoming important to integrate different modes of transport in a safe way and sometimes sure that can be a separate bike path and great where it fits, but in some cases that is not going to get you anywhere near where a cyclist wants to go, so they are either going to try to tackle roads or they are not going to ride, which we do not want, or we will have to provide them with some way of getting into areas that are currently being choked with cars. Potentially we might get rid of some of that congestion if we can get a few people on bikes.

**Professor GRZEBIETA:** If I can add some words as well. Effectively the roots of the whole safe system philosophy come from Sweden. The vision zero and the criterion for a safe system is that the human body cannot be subjected to a load that is higher than that which causes trauma from which you cannot recover. In other words it is concerned with sustaining injury from which one can recover. When we think in that context it is almost like a biomechanical trauma related criterion. The safe system approach was developed from that. It developed from that because Claes Tingvall happened to be at Monash University and started giving lectures in Australia and that philosophy was adopted. This happened about halfway through 2005 by the Australian Transport Safety Bureau and Joe Motha's road safety group at the federal level.

All of the state road authorities are now starting to use that philosophy. The issue here, and why is it relevant to your particular question, is when you get a change in impact velocity it cannot be greater than 30 kilometres per hour. Once you start getting above 30 kilometres per hour effectively if it is a pedestrian or cyclist or, it could be a person on a motor bike or a person in a car, if they are subjected to that higher change in velocity, they wind up suffering permanent injury. That is the basis on which the safe system approach was established.

If you are talking about a corridor where you have vehicles travelling at 60 kilometres per hour and alongside you have bicyclists going at 20, effectively you have a differential of 40 if they hit the cyclist in the back, which is the predominant type of mechanism. So you need to reduce that



down; that is why you would change the speed limit from 60 to 50, so you have got a differential of 30 roughly.

**The Hon. Robert BROWN:** I understand what you are trying to do but my question was integration or separation, which is the best?

**Professor GRZEBIETA:** Separation always.

**The Hon. Robert BROWN:** Dr Hatfield gave her answer.

**Professor GRZEBIETA:** But we cannot afford it. Australia is such a big country, we have limited resources and we do the best we can with the limited resources we have.

**Dr McDONALD:** My question is about the way the RTA designs bike tracks. King Street is a classic example of how not to design a bike track. It is bi-directional; if you are riding east, you have to go along Market Street and then either turn around Clarence Street or take your chances at Market Street to get down to Pyrmont Bridge. Halfway up it on a hill there is a red light at the pedestrian crossing which nobody ever stops at because the traffic going next to you is on the green. Unless you are turning left, you are actually safe. The RTA seems to have a major problem with designing bike tracks that you can actually use.

**Dr HATFIELD:** I do not think the RTA actually designed that one, did they?

**Dr McDONALD:** The RTA did the traffic lights. City of Sydney did the bike track but the RTA did the traffic lights.

**Dr HATFIELD:** The problem is that there are not any clear guidelines on designing cycling infrastructure in this country. We kind of haul in expertise from overseas where the situation is completely different and therefore of very questionable applicability. So we really do need better guidelines but before we have better guidelines, we need to understand the situation a bit better, and that is why I harped on about our study, which is not really available yet but hopefully it will give us a few more answers.

**Professor GRZEBIETA:** We do need more money put into data collection; that is really critical. It was difficult to get the ARC linkage grant that Julie and myself are running on the bicycle cohort study. We wanted another extra \$50,000 per year to enhance our study but it was so tough to get people to contribute. Likewise with the motor cycle study. I am happy to present the Committee with the original application. I had to convince five different groups to put in roughly \$25,000 per year, which is small change for these various organisations and then I had a decent enough amount of money with which we could do a study. Always the question is getting the crash information so that we can then make proper decision about what to do.

**Dr HATFIELD:** The problem has been that there are not enough of these road users dying, which is partly why I have provided this data, to indicate that actually it is increasing and in a way it is a good thing, because it probably reflects all that we are doing in terms of trying to promote alternative modes of transport is being effective, but we have to go hand in hand and make the system safer.

**Mr HARRIS:** I know it is not specifically in your submission but back to motor cycles. In terms of protective clothing, have you done any research or do you have any opinions about the effectiveness of protective clothing and whether there should be any compulsion to wear certain clothes?

**Professor GRZEBIETA:** I am very aware of Liz de Rome's study and work at The George Institute. She is doing great work there. Considering that Liz is about to provide evidence I think I should defer to her. My own opinion and this is an opinion coming from not only the Injury Risk Management Research Centre but also with my Australasian College of Road Safety hat on, the sooner we get similar types of testing like stars on cars, stars on clothing, the better. I think we really do need some serious political pressure to get such crash rated clothing and these different types of leathers, et cetera. The rider clothing needs to be properly tested and rated so that consumers are able to choose the appropriate clothing that they want in order to protect themselves.

**The Hon. Ian WEST:** I may have missed an answer on this, but with the cohort study you indicated there was a lack of effective data about the severity of injuries. I do not think you have finished that study. How long will that be before you finish and would we be able to get the conclusions before we have to make a decision?

**Dr HATFIELD:** Unfortunately not, it will be about three years. But the real lack actually that that study addresses is the lack of exposure data, so knowing how much cycling people do; who is cycling; where are they cycling, what are the patterns, that is the real lack that that study will address, as well as looking at causal factors and so forth. The main aim of that study is to get the information we need to get injury rates for different types of infrastructure.

**(The witnesses withdrew)**

**ELIZABETH ANNE DE ROME**, Research Fellow, The George Institute for Global Health, 341 George Street, Sydney, affirmed and examined:

**SOUFIANE BOUFOUS**, Senior Research Fellow, The George Institute for Global Health, 341 George 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 a contempt of the Parliament and an offence under the Parliamentary Evidence Act 1901. Your submission has been received and authorised for publication as part of the evidence to the Committee. Would you like to make a brief opening statement before we proceed to questions?

**Dr BOUFOUS:** I would like to make a brief statement regarding mainly cyclist safety related issues and I will hand on to Liz to talk about motor cycle because we work in different areas. I will be very brief. I just want to highlight what I will be talking about is based on some work that I have done, not in New South Wales but in Victoria, so the circumstances are a little bit different. It is also based on a review of the literature internationally as well as nationally in terms of the best counter measures for cyclists; so it is based on those two pieces of work.

There are four points that I want to highlight quickly. The first one is that there is now marked evidence that shows that on road marked bike lanes are actually very effective in terms of reducing injury in cyclists while maybe 10 years ago there was a bit of a debate about whether they work or not.

I can go into detail later on at question time about what type and model is more effective, but there is marked evidence that they are actually working at improving safety.

There is also evidence that shows that some treatment in terms of intersections - and that is where most cyclists' injuries or crashes or accidents occur - that some treatment at intersections does actually increase the cyclists' safety.

I would also highlight the role of highly conspicuous clothing, which increases visibility. There is not enough evidence to show that they actually reduce the risk of traffic crashes but they definitely increase visibility.

The same for helmets, the work that I have done for VicRoads shows that not wearing a helmet increases your chance of having a severe injury or dying as a result of a traffic crash increases by about 55 per cent.

Finally, I want to highlight the issue of data. The people before us from IRMRC highlighted this issue also, that there is a big shortfall in terms of available data on cyclists. Most of the studies focus on police collected data and from the work that I did here in New South Wales linking, for example, the hospital data to the police data shows that in terms of cyclists there is about more than half cyclists' injuries are not actually captured in police data.

All the evidence that we have in terms of what factors contribute to cyclist's crashes, we do not know about most of cyclists' crashes. They are in the hospital data but not in the police data.

**CHAIR:** I will point out before Ms de Rome starts that there is a submission from the Department of Health published on our website which might provide some of the information for you.

**Ms de ROME:** My main research area is motor cycle protective clothing, so I gather you will want to talk to me about that. I also do a lot of data analysis on motor cycle safety, so rather than cover what is in my submission which you have already read, there are just four points I would like to draw your attention to.

The first is under reporting. We think that probably 60 per cent of serious motor cycle crashes are reported to police and perhaps 17 per cent of pedal cycle crashes.

The second one is the focus on fatalities. A lot of research in road safety does use fatal data and with cars that is understandable, because of the sheer volume but when you are dealing with motor cycles or pedal cycles, you are dealing with very small samples and I believe there is a serious risk that you identify and place emphasis on counter measures which are actually examples of extremes and you are at risk therefore of missing opportunities for counter measures that might be effective.

Protective clothing for motor cyclists is a case in point, that for many years no one looked at the preventative value of protective clothing because it was not going to save your life so it is not worth looking at. Now I can tell you that it is worth looking at.

My recommendation is that all vulnerable road user data analysis should be based on all crashes, not just on fatal crashes, because the numbers are too small.

Separation of crash types (this is for two wheel vehicles, particularly motor cycles). A lot of the analysis of the crash data is based on the RUM code - the road user movement codes - which shows what the key vehicle did to precipitate the crash. With the way the RUM code system is set up, it is assuming crashes between like vehicles, but when you have a crash between a two wheeled vehicle and a car, or single vehicle crashes, the causes of single vehicle crashes are very different to the causes of multi vehicle crashes.

In my research I always separate out multi vehicle from single vehicle crashes and I also distinguish between multi vehicle crashes where the motor cyclist was at fault or the key vehicle and those where it was the other driver who was at fault.

When you do that you find very different patterns of errors and behaviour which helps inform countermeasures, whereas if you look at it all aggregated together none of those factors come out in the data because they are lost in the numbers. That was my third point.

My fourth point is unlicensed driving. In our submission we draw attention to the fact that unlicensed motor cyclists are over-represented in data. They are eight percent of the riders in crashes. They are 24 percent of those in fatal crashes, 26 percent with illegal alcohol, 45 of un-helmeted.

The Federal Office For Road Safety did a study in 1999, in which they took the unlicensed riders out of the equation to see what difference that made in terms of the patterns of behaviour that you observe with legitimate, legal, sober motor cyclists and the risk patterns are very different. So again in any counter-measure that is focussed particularly on fatals you are going to be finding evidence for extreme behaviour that is not characteristic of the general population and it is the general population that we have the best chance of identifying counter-measures that will make a difference because they are a more compliant group.

The main point about this is with unlicensed riders we need to know who they are and we do not. We used to know at least their rider status, that they are unlicensed, that their licence had been cancelled, disqualified or it had expired or they had never been licensed, but now they are all lumped as unauthorised and we do not know who they are. If we do not know who they are we have no chance of identifying strategies. It might be a social issue. Are they someone who has lost their licence and therefore been pushed out of the system and are not going to come back in. Those people have nothing to lose. We need to be looking at that.

**The Hon. Robert BROWN:** Just for clarification, in your reference to unlicensed riders were you referring there to unlicensed road riders or are you talking about bush bashers and farm equipment and machinery?

**Ms de ROME:** We do not know about off-road crashes. It is a good point. But I am talking about riders involved in motor cycle crashes on public roads in New South Wales.

**The Hon. Robert BROWN:** You would not get that sort of data generally from police records if they were off the road.

**Ms de ROME:** No. The whole area of crashes off road is really not covered and it is an important issue. I am talking about people who crash on the road.

**The Hon. Robert BROWN:** Your submission makes reference to the lack of recognition of motor cycles as a separate vehicle class, for road safety purposes, transport planning and traffic management purposes. You state that motor cycles have been neglected within the road safety program and transport budgeting. Do you have any explanation for this occurrence given that New South Wales has more motor vehicle registrations and more casualties and then you add the other injuries, than any other state in Australia? What would you think about that?

**Ms de ROME:** I have been working specialising in motor cycle safety for just on 10 years now and things have changed but when I first started I was advised by road safety people in the RTA that they weren't going to do motor cycle safety programs because they did not want to encourage motor cycling.

**The Hon. Robert BROWN:** How long ago was that?

**Ms de ROME:** Ten years.

**The Hon. Robert BROWN:** Are you aware of the recently announced motor cycle safety strategy to be developed by the RTA and have they consulted you about that?

**Ms de ROME:** I am aware it is going to happen but I have not spoken to anybody about it.

**The Hon. Robert BROWN:** Your last real work or acknowledgement from the RTA was 10 years ago?

**Ms de ROME:** No. That is when I started working in motor cycle safety.

**The Hon. Robert BROWN:** That was the impression you had 10 years ago.

**Ms de ROME:** No. I have been working with and had communications with the RTA in the last 10 years. That first project was writing the road safety strategic plan for the Motor Cycle Council which was funded by the Motor Accidents Authority.

**The Hon. Robert BROWN:** Do you think there has been an increase or no change in the attitude/policy of the RTA towards motor cycle riders as part of the total road user group, or there has been a change or decline?

**Ms de ROME:** No, I think there has been a change. I think it has improved but not as fast as it should have. I think that more effective and more widespread consultation would help matters.

**The Hon. Robert BROWN:** One of the previous witnesses, in fact I think it was the state Motor Cycle Council postulated that there should be a consultative committee set up or reinstated, as there used to be one years ago but it fell out of favour. Do you believe that the integration of motor cycle issues into road safety issues warrants a fresh look at maybe setting up a consultative committee of some sort?

**Ms de ROME:** Yes.

**The Hon. Robert BROWN:** Who should be involved, do you think, apart from the RTA obviously?

**Ms de ROME:** I write safety strategic plans and I have done reviews of motor cycle safety strategic plans from around the world and written recommendations on the best model. Certainly a consultative process is necessary. I would include the key stakeholders.

**The Hon. Robert BROWN:** Such as motor cycle representatives?

**Ms de ROME:** Police, professional motor cycle riders like the ambulance, Australia Post, people like that, people who are employed motor cyclists; the manufacturers, FCAI.

**The Hon. Robert BROWN:** What about user groups?

**Ms de ROME:** In New South Wales we have got a very good structure with the Motor Cycle Council.

**The Hon. Robert BROWN:** Should the Motor Cycle Council be involved?

**Ms de ROME:** Yes, definitely. I do not think you would get very far if you did not consult with the users.

**CHAIR:** Within your area of expertise in protective equipment, it has been suggested that there are two ways to go, an ANCAP type rating so people will choose the best protective equipment for themselves, or do you mandate that people have to have certain protective equipment? That is one part of the question. The second part relates to full face helmets or open face helmets. Is there any benefit one above the other?

**Ms de ROME:** I have done a lot of research into this particular issue of the area of standards and we wrote the paper Stars Or Standards, which I can table if you have not seen it. I do not support mandating and there is a number of reasons for that. Firstly you would have to define what you mean by motor cycle protective clothing and there is a lot of motor cycle clothing sold which looks good but it is just fashion and it will not actually protect you. To define it you need to have a scientific definition. The only standards available are the standards in Europe, which were introduced by law in 1989 and then the actual standards were issued over the next 10 years. I monitor this.

To my knowledge at this stage there is one pair of gloves available in the world that have been tested and marked against the European standard for motor cycle gloves. I can count the number of boots. I can count the number of jackets. The manufacturers have not complied with the standard. It is a mandatory standard. They have not complied with the standard. They have had a long time and no-one has enforced it. It is not going to happen. The standard is a good standard. It is based on good science, so what we thought was there was no point in us trying to impose a standard in Australia because most of the gear sold here is made elsewhere and it will not be tested against the standard. What we can do is set up tests here and wherever it comes from in the world it can come here and we can test it and publish the results, as the ANCAP system does, and I think that would be the best way and you do not really need the cooperation of either rider groups or industry to do that.

**CHAIR:** What about helmets?

**Ms de ROME:** I am not a helmet expert. I wrote a little book called the Good Gear Guide. I will table a copy of it. I did some research to look into it there. I have not been able to find any convincing evidence that says that a full face helmet is better or will provide protection better than an open face helmet and that is based on the frequency of injury impacts to different parts of the head and apparently impacts to this part of the face are rarer, less frequent than impacts to the rest of the head, but I would not wear anything but a full face myself.

I do not know how you can mandate something unless you can find scientific evidence. Most of the

research into helmets has been dominated by America and that is whether you should wear it or not and the whole debate has been captured by that and we have wasted huge amounts of money and lots of time. I do not know, I am sorry.

**CHAIR:** You would save a lot of American lives by breath testing and seat belts, but it has not happened.

**Dr McDONALD:** Trail bikes; completely unregulated, a similar sort of population to the unlicensed riders. What should we be doing about that?

**Ms de ROME:** I do not know. What I hear from the rider groups is that the number of places where they can legally and safely, both for their own sake and for the environment, ride are decreasing in New South Wales and around Australia. Therefore they are going off into more remote areas, which means they are more at risk and are less accessible for retrieval. I think it does need to be regulated at some level but I do not know how one would do it. I point out pedal cycles are not regulated either.

**Dr McDONALD:** One of the suggestions was for day lights for the visibility of bicycles. One suggestion was that they have their lights on during the day. What do you think of that?

**Mr BOUFOUS:** From what the literature shows it does increase significantly during the day as well. As I said before the question remains whether that actually reduces the risk of crash. It makes sense that it would increase visibility and reduce the risk of a crash, but there is no evidence so far that it actually works. The studies that have been done do show that if you have head lights during the day you increase your visibility, as well as having fluorescent clothing during the day.

**Dr McDONALD:** The helmet stuff comes up again and again. There is a very significant change in the demographics of bicycle riders and childhood. It is becoming a boutique thing rather than a universal one, which causes me concern in the future. Should helmets be mandated and what are we going to do about the fact if children do ride a bicycle without them?

**Mr BOUFOUS:** From my point of view I think it is important from the studies. There is plenty of studies and now there is debate about that issue. From my point of view, from looking at my friends I do not think there is anybody who says no, I do not want to get on the bicycle because I have not got a helmet. The scientific evidence shows that if you have a helmet on it reduces the risk of head injury. There is no doubt about that. I do believe that the law should be mandated as they are at the moment.

**Mr HARRIS:** You indicated earlier about the success or otherwise of different forms of bike lanes.

**Mr BOUFOUS:** Yes.

**Mr HARRIS:** Could you expand on that a little for us?

**Mr BOUFOUS:** Again from what the literature is showing us, as I said before there was a little bit of a debate but lately there are clearly some type of lanes that are marked exclusively for cyclists, on road bicycle lanes, the ones for example that you were talking about before on Bourke Street, either a painted line or a painted surface, so those lanes there is evidence that they actually work. They work. There are a few things that need to be done. People ask should we separate or integrate cyclists. From my point of view you cannot completely separate cyclists from the traffic because eventually they will get to the intersection and confront the traffic. Having and designing a proper cyclist lane with proper treatment of intersections is very important. It goes hand in hand.

Some of the stuff in the literature that I have come across, as I said, it has to be painted lines

or a coloured surface. It had to have an appropriate width and people talk about something like 0.9 metres or one metre in width, and reduce the potential conflict at intersections, like I said before. Some of the things that have been done, which I have not seen here but definitely in Victoria, is at the intersections they would have the bike boxes, or they call them advanced stop lines and they basically reduce the risk of conflict with cars and other vehicles when the light changes because the cyclists are in front of the other vehicles, it reduces the risk of conflict when the vehicle is turning left or right. The evidence again shows that they actually work, although sometimes cyclists complain about encroachment of vehicles going into the actual box, but generally speaking they work.

Other things that may work, again the same principle, but to have different or advanced green lights for cyclists, that they can press and go first. All of these things people might argue they might slow the traffic a little bit but if you look at the bigger picture of reducing harm and reducing injury for cyclists, I think they are worthwhile doing. In summary what this evidence is showing, as I said, exclusive on road bicycle lanes work where they go hand in hand with the treatment of intersections.

**Mr HARRIS:** Do you have any comment about whether they should be on both sides of the road or if they are more effective if they are bi-directional on one side of the road?

**Dr BOUFOUS:** I have not come across anything that shows that one or the other is better. Some of the studies that I looked at have shown it is different on one side of the road. Those studies also looked at off road bicycle lanes on the path and they did not show, surprisingly, that those ones are effective.

There is speculation why those ones are not; maybe because cyclists go into some sort of false sense of security and then when they get to the intersection they eventually hit the traffic and that causes crashes. I heard the Committee asking before about should we separate or integrate about 30 kilometres per hour or 60 kilometres per hour. My point of view is that those bicycle lanes can apply to different speed lanes. When the speed limit is 60 kilometres per hour or over, it makes sense to completely separate the bicycles from the traffic and with 50 and less I think there is evidence that shows it is better to actually share the road between cyclists and bicycles.

**Ms de ROME:** I wish to table the Good Gear Guide and these are two studies. This is a bicycle study which we are doing in Canberra and we are writing it up now. That will be useful to you. That is the GEAR study on what is the injury reduction benefit of motor cycle protective clothing.

**(The witnesses withdrew)**



**TERRY LEE-WILLIAMS**, Manager, Transport Strategy, The City of Sydney Council, 456 Kent Street, Sydney, affirmed and examined:

**LEONARD PAUL THOMAS WOODMAN**, Road Safety Officer, The City of Sydney Council, 456 Kent Street, Sydney, sworn and examined:

**FIONA MARIA CAMPBELL**, Manager - Cycling Strategy, The City of Sydney Council, 456 Kent Street, Sydney, sworn 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 a contempt of the Parliament and an offence under the Parliamentary Evidence Act 1901. Your submission has been received and authorised for publication as part of the evidence to the Committee. Would you like to make a brief opening statement before we proceed to questions?

**Mr WOODMAN:** The City of Sydney welcomes the opportunity to present to the Inquiry into Vulnerable Road Users. The welfare of all road users, but especially cyclists, pedestrians and motor cycle riders is a key concern of the City of Sydney.

On 27 August last year City of Sydney gave evidence before this Committee as part of the Inquiry into Pedestrian Safety. Most of the information, suggestions and recommendations made at that time regarding pedestrian safety are equally appropriate to this inquiry into bike rider and motor cycle rider safety.

The City of Sydney is committed not only to safety on our streets but also to the creation of a lively, engaging and world class city centre where bike riding and walking are natural first choices for personal transport.

In 2007 the City engaged Jan Gehl Architects, the internationally renowned specialists in city planning, to study central Sydney. The result, the Public Life and Public Spaces study is a vision for a transformed city centre, where bike riders and pedestrians are recognised as the essence of lively, interesting and prosperous streets. This is the vision adopted by our Sustainable Sydney 2030 plan.

Jan Gehl made a number of observations and recommendations following the in-depth study Public Spaces, Public Life, including that riders and pedestrians do not feel that the road system accommodates them and that this may result in some failing to obey some road rules.

Given that 85 per cent of city users come via public transport, walking or cycling, it seems appropriate to focus on the amenity and safety of the majority. This will become even more so when the City's cycle network is implemented over the next three years and a public bike system is introduced.

And as the City always emphasises, even those who drive to the city are pedestrians on leaving their car. With a public bike system, they might also become riders.

By prioritising bike rider, pedestrian and other sustainable transport modes driving will no longer be at the convenience of those who have made the change.

Sustainable Sydney 2030 is based on extensive consultative, research and analysis. Sustainable Sydney 2030 not only outlines a desire for change, but sets a number of targets that the City is actively investing in to achieve.

The key target relevant to this Inquiry is that cycling in the City should grow from less than one per cent currently to 10 per cent of all trips.

To achieve this, the City undertook extensive analysis and found that 84 per cent of occasional riders and potential riders feared riding in traffic. The City's response has been to commence investing \$76 million into providing 55 kilometres of separated cycleways as part of a total

of 200 kilometres of cycle routes connecting the major destinations of cyclists and allowing safe transit through the city centre.

This type of commitment has been met with fierce criticism from some quarters, outraged at the thought that people who ride or walk might be justified in having safe, separated paths, at the cost of some on-street parking. Those same critics, of course, also campaign strongly against bicycle riders being allowed to use the roads, calling for them to be registered, though how this would ameliorate their primary concern about being slowed down is never articulated.

Like any city, however, central Sydney is growing and there is only so much space available between the buildings. By the time the 1000 buses per peak hour are catered for, by the time 660,000 pedestrians are given appropriately wide and safe pavements, by the time essential servicing and loading vehicles are accounted for, there is not a great deal of street space left. And this will only get worse as the daily population of the City heads towards one million in 2030.

However, fitting the bicycle riders in still makes a great deal of sense. The more people cycling shorter distances the lesser demand for traffic, the less people crowding onto over-filled buses and trains near the city and the less pollution fills the pedestrians' lungs.

If our target of 10 per cent of trips by bicycle was reached, 300,000 car trips per day would be taken from the roads and the fewer cars competing for street space in the city, alongside separated cycleways, the safer our bicycle riders will be.

The key cycling and walking safety objectives in Sustainable Sydney 2030 include giving greater priority to bike movements in the City of Sydney by integrating cycling and pedestrian movement into transport planning and managing the road space to encourage cycling, walking and the use of public transport.

**CHAIR:** Mr Woodman, I might just interrupt you there. Does this brief introduction go much longer?

**Mr WOODMAN:** We could table it and go back to questions.

**The Hon. George SOURIS:** With the cycleways, the question is really around the aspect of general safety getting cyclists off the road and onto the cycleway. How important was that in the design, location, dedication and now construction of these cycleways? Why I ask that is because it seems that a lot of cyclists are just not using them, they are using the roadway immediately adjacent or the footpaths still. What is the strategy about actually getting the cyclists onto the cycleways?

**Mr LEE-WILLIAMS:** You did ask several questions there. Safety is one of the critical design elements of the cycleways and they were designed in fact just to improve the safety for cyclists, because when we went out during 2030 and asked people what would help them make the decision to cycle, they said they wanted to feel safe - no real surprises there.

The only way that they would feel safe is to be separated from heavy traffic. Local streets, shared paths, fine in their local areas, fine, but as they approach the city and they approach the density of traffic, they wanted to be separated.

In terms of cyclists not using the cycleways, we have only got a few links that have actually been built so it is like starting a road network, you have got to start from somewhere; you cannot build it all at once. We have only just completed the link that goes from the Harbour Bridge across to the Anzac Bridge. That will continue through to the south of the city and all the way through to Green Square.

We have just completed part of College Street. We have not completed the whole thing and so you cannot expect many cyclists to get on the equivalent of a road network that ends halfway through their journey.

**The Hon. George SOURIS:** You have completed Bourke Street through to Taylor Square, so they go to Taylor Square and they either turn left down Oxford Street or they proceed on. I do not

know how they get across. They wait for the lights to change. It is the use of the cycleway from back up to Taylor Square for example.

**Mr LEE-WILLIAMS:** The reason that we are building the cycle network is not for that road warrior class of cyclists dressed in lycra who have been riding in traffic for years and are completely comfortable doing that, and would actually be very frustrated using a cycleway. We would not ask them to change what they are doing now and get on the cycleway. That would be like asking the fast swimmers to swim in the slow lane at the pool; it would be a disaster.

What we are trying to do is encourage those people who do not currently cycle to make the choice to cycle because we are providing them with a safe way and means of doing so. We are only at the very beginning of that journey.

How we are going to encourage them is almost literally a million dollar question. We are enabling cycling. We have spent a good deal of time researching what you can do to make people move from owning a bicycle and having a desire to cycle, to actually getting on the bicycle and actually cycling. That is quite a difficult and complex piece of psychology that you have to confront, because most people are comfortable with recreational cycling. There is almost a stigma attached to commuter cycling because it has only been about those people who are hard core committed cyclists.

We have got to remove that. We have got information that they can get into and we are quite happy that those people do cycle and set a precedent of using the road, but they are not the people that we are targeting. They are already there.

We have got to give the people the excuse to try. So we actually have to intervene. We have to go street by street. We have to talk to people, we have to run events in their streets. We have to offer them assistance to cycle, we have to help them on their first trip and take them in a bike bus and show them how they can make their journey safer.

But all of that is predicated on there being a safe network. We are still three years away from having the majority of our network connected. If you live on a bit of road that goes from where you want to be to where you want to go and we have got the network; people will use it.

If it only goes halfway you are not going to start and we are not going to invest in trying to convince you to start until that network is complete. This morning we had 480-odd cyclists pummelling down Kent Street on a cycle way.

**The Hon. Robert BROWN:** It is Bike to Work Day.

**Mr LEE-WILLIAMS:** It is also day one of the cycle way being open. Bike to Work Day is another one of those events where you normalise cycling. A lot of people like to dress up and make it a special event but we would like those volumes to eventually become the base. We are starting from so far behind. We are the least cycling city in Australia. We would be the least cycling global city in the world. We did not have any infrastructure. We have never had a culture of cycling. We had a culture of anti-cycling.

We have not had a regulatory framework that has supported cycling. We have the whole bike helmet issue which I heard you discussing before, which is always the subject of hot contention within the cycling world. All of these things we have to work our way through. What the city is trying to do is place itself in the centre and say if nobody else is going to do it, we will start. We will try to encourage everybody to do it we will put the first lot of true facilities into the city and see if we can get people onto it. In the words of Sir Humphrey we are being courageous.

**The Hon. George SOURIS:** Even Humphrey would have tried to get the existing cyclists on to the cycle way if, for no other reason, to demonstrate the effect to the novices, but you have given up on them. I am really disappointed to hear that you are not going to worry about them at all.

**Mr LEE-WILLIAMS:** I would not say we have given up on them. We do not have to

encourage them because they are already there.

**The Hon. George SOURIS:** They are not in the cycle ways and you said they are not likely to be in the cycle ways either.

**Mr LEE-WILLIAMS:** But they are not likely to be in the cycle ways. It is a bit akin to asking somebody to take their vehicle off the race track and drive it through a parking lot and be happy. If we are going to have lots of cyclists who do not go on it, we do not say you should not go on it, we ask them to go on it, but you cannot convince people who have been riding through traffic for years that they are not invincible.

**The Hon. George SOURIS:** Do you think that there is a danger if an angry motorist is slowed up by a cyclist in the roadway where there is a totally vacant cycle way right next to him?

**Mr LEE-WILLIAMS:** A bit like bus lanes, yes.

**Mrs CAMPBELL:** Can I add to that? The cycle ways that were built are not designed for cyclists, they are designed for everyone else that is telling us that they want to ride a bike but do not want to mix with traffic. Legally those cyclists, who are maybe on a training ride and maybe trying to keep their heart rate up, want to be going 30, 40 or 50 kilometres per hour. It is inappropriate for them to be on a cycle way mixing it with the mums and dads, the grannies going shopping, the students going to the library, the everyday people that we are opening up the road should be able to use. By law the Australian road rules, not us, say that if there is a cycle way you can still ride on the road. That is the law. The city does not have the power to change the law even if we wanted to.

The cycle ways are designed for ordinary people, so on Bourke Road where that complaint mainly comes from, the cycle way is designed to go around the back of bus stops, to make sure that there is no conflict between stopping buses and the bikes that would otherwise be in the bike lane. Going around the back of the bus stops means that when bus passengers have alighted and they are using the pedestrian crossing to go across the cycle way, we need to slow the bikes down to make sure they are able to see and to give way to pedestrians. We are looking after the safety of everyone. That involves designing it at a slower speed than someone who is training and wants to be riding on the road.

It is perfectly appropriate that people doing it now can continue on the road and it is consistent with the road rules and it is perfectly appropriate that we say for everyone else, for the majority of the population, that huge chunk who say they would really love to get the health benefits from riding, we provide something. We provide a fair allocation of road space. It is not yet full. The one on Bourke Road is not yet connected at each end.

**Mr LEE-WILLIAMS:** From my personal experience, I am ex-RTA and was involved in the M7 and the two bus ways that connect from Rouse Hill all the way through to Liverpool, both of which we put extensive cycle way infrastructure on. The consistent complaint that we have had from the engineers was that the cyclists still rode in 100 kilometre per hour traffic, with heavy trucks, on the M7 rather than on the cycle way, but the response to that always was but look at all the families out there riding on that cycle way and enjoying themselves and getting exercise in a safe environment. You cannot force people to make a change that they do not wish to make.

**Mrs CAMPBELL:** We have had so many letters from people who are using the new Bourke Road cycle way who say I work in Alexandria and I never dared ride to work before. I could not because I am not going to share the road with trucks and now that the cycle way is there I ride from Coogee to my work in Alexandria.

**The Hon. Robert BROWN:** Can I ask for a little bit of a break up of some statistics or numbers you provided in your opening statement, Mr Woodman? You mentioned that 80 percent of

the travellers or people who come into the CBD travel either by public transport, bike or walk, and the rest are car drivers, 20 percent. You went on to say that the city has to cope with 1,000 bus trips per hour and 660,000 pedestrians. Does that not tend to say that 80 percent figure is a little bit flavoured by the public transport and pedestrian figures? What are the actual numbers? I note that you say one percent of trips are by bicycle and you want to increase that to 10. What does that one percent represent? How many bicycle trips per day, or however you measure the risk.

**Mr LEE-WILLIAMS:** The figures are taken from the Bureau of Transport Statistics. They do not collect and give us the actual numbers, they give us a percentage make up. Depending on where you are in the city, on average it is 74 percent using public transport, one percent cyclists, and the remainder are walkers. Then you have got your 15 percent. 85 percent is the total and then you have 15 percent are by car. It would be a low number because we do not encourage people.

**The Hon. Robert BROWN:** I must say that I find it a bit strange in response to a question about the primary reason for doing all this was safety, that you still believe that it is okay to leave commuter cyclists on the road with traffic travelling at more than 30 kilometres per hour. Do you agree with the proposals put by one of the previous witnesses, that where there are shared vehicle bicycle pavements, the road speed should be 30 kilometres per hour and wherever the vehicle speed is above, I think he said 30 but maybe said 60, they should be separated pavements. In relation to the City of Sydney you have attempted to create separate pavements but you said that is for a market yet to be developed, whilst we still have commuter cyclists insisting on riding on some roads which exceed 30 kilometres per hour.

**Mr LEE-WILLIAMS:** He did say 50 to 60 kilometres per hour.

**The Hon. Robert BROWN:** That is right.

**Mr LEE-WILLIAMS:** He was relatively non-specific. The first point, why are we doing separated cycle ways, because the people we want to cycle, that is what we needed to do to make them cycle.

**The Hon. Robert BROWN:** I agree, separation.

**Mr LEE-WILLIAMS:** Separation works. Again, we cannot force what you call the commuter cycle, what we call the road warriors.

**The Hon. Robert BROWN:** The gaily clad Lycra brigade is what I call them.

**Mr LEE-WILLIAMS:** There are cyclists who wear suits and skirts who travel through the city quite regularly, because I am always out there watching, but they always try to use the separated cycle ways. In terms of traffic speed, we have just spent 10 years getting approval to get to 40 kilometres per hour in the city and that has been a long hard haul and that will be introduced in January or February of 2011.

Over a longer period, once we have sorted out the bus network, the cycle network, loading and everything else, we would like to hit the international standard of 30 kilometres per hour for high pedestrian areas, assuming that the growth in Sydney continues at the rate which is predicted. Once we have one million people a day in Sydney it will be such a highly pedestrianised environment and if we have our 10 percent of cyclists, a high cycle environment, the cars will be travelling slower anyway. Speeds already show that vehicles are travelling at less than 40 kilometres per hour, other than in some very short sections of very wide streets at the southern end of the city.

**The Hon. Robert BROWN:** Given that a degree of separation between what we will call the faster bicycle riders and others, including pedestrians, is probably desirable, the International Federation of Bicycle Messenger Associations earlier today suggested that bicycles should have a

higher priority on the road hierarchy, and we are talking about CBD obviously, and be given greater consideration at crossings and be able to use footpaths. Can you give us a specific policy of the Sydney City Council on bicycle couriers being allowed to use footpaths? Do you think it is a good idea or bad idea?

**Mr LEE-WILLIAMS:** Bicycle couriers: I frankly would prefer them to use the road.

**Mrs CAMPBELL:** The 1996 Staysafe inquiry into pedestrian safety and bicycle couriers did recommend enabling cycling through areas such as Martin Place.

**The Hon. Robert BROWN:** Which is a pretty big lump of pavement.

**Mrs CAMPBELL:** It is the city's policy that in areas such as plazas, street closure and parks that bicycle riding is allowed in those areas.

**Mr LEE-WILLIAMS:** As opposed to your standard pavements which are quite narrow and very full in the city.

**Dr McDONALD:** Do any of you want to reply to Alan Jones under parliamentary privilege?

**Mr LEE-WILLIAMS:** I will just note that I saw a T shirt that I quite liked today which said "on your bike Alan Jones".

**Dr McDONALD:** King Street, I ride up there in the morning. How not to design a set of traffic lights halfway up; which is ignored by 100 percent of cyclists.

**Mr LEE-WILLIAMS:** Totally agree.

**Dr McDONALD:** What is going to be done about it?

**Mr LEE-WILLIAMS:** I would ask Members of Parliament to lobby the Government of the day and the RTA to implement the changes which have been sought by the City of Sydney since the cycle way was constructed, which was to give the cyclists priority going up the hill and certainly not to penalise them more than they penalise pedestrians, which is also ridiculous.

**Mr WOODMAN:** May I add from observation this morning, it being Ride to Work Day, I positioned myself outside, on Kent Street near the new Westpac building where there is an exit from Wynyard and a controlled crossing. As was stated before, there were around 200 cyclists per hour going past there. Those traffic lights are in sequence with the other traffic lights, which one would expect on a straight road. Because it was the right thing to do, I would say that no more than two or three cyclists went through a red light.

**Dr McDONALD:** That wasn't King Street though.

**Mr WOODMAN:** Because it was realistic and appropriate at that location, there was full compliance almost, more so than the motor vehicle drivers, I might add.

**Mr LEE-WILLIAMS:** It goes to the core of what we were saying in our introductory statement that we got halfway through, which is essentially if you build the infrastructure correctly and you provide people with the opportunity to use it safely, they will behave safely. Where you penalise them, they will look for opportunities to cross at any opportunity and that is what causes danger.

**Dr McDONALD:** The recommended way of riding west from here to the city seems to be down Market Street. There is no way of riding west so far as I can see, other than Market Street.

**Mrs CAMPBELL:** We will continue the King Street cycle way to reach Macquarie Street, subject to approval by the RTA.

**Mr LEE-WILLIAMS:** Although we control the little bits of street in between intersections, the RTA owns the intersections and we also deal with them through the Traffic committee, which is an RTA sponsored committee.

**CHAIR:** There are always arguments about traffic committees in every local government area. I recall reading somewhere this morning that you had someone with a loud hailer where there is a conflict of pedestrians and bicycles. Is that right, and where is it?

**Mr LEE-WILLIAMS:** We had Len out on Kent Street at the request of Westpac, who were concerned about the safety of pedestrians. That is a very heavy pedestrian crossing from Westpac across Kent Street to Westpac Plaza, to make sure that people understood that the bike way is now open and do not step blindly out in front of cycles. It is one of those things where you introduce something that is a bit new just to help people through it for a few days. It is not a permanent thing. Len is a safety officer, not a loud hailer officer, and it is probably contrary to public good health to have Len with a loud hailer there for too long.

**Mrs CAMPBELL:** The compliance problem is that the pedestrians are walking out when they do not have a green man.

**Mr WOODMAN:** At this particular location there has been an issue of sorts for some years since the City of Sydney car park was demolished and a new building housing more than 5000 people was put there. Immediately we had a generation of pedestrian activity multiplied from almost zero to several thousand movements per day. That was subject to a number of issues some years ago.

We have in the past when we have done pedestrians programs targeting people crossing incorrectly, gone to that particular location to emphasise that people should be aware and this is also reinforcement of pedestrian safety as well as bicycle safety.

It is making them aware of the changes but also major incidents are still seen. Before I went out and bought that loud hailer I noticed that most incidents involved pedestrians crossing against the lights and almost colliding with motor vehicles. The compliance by motor vehicle drivers at the traffic lights was worse than the cyclists.

**The Hon. Robert BROWN:** But not as bad as pedestrians?

**Mr WOODMAN:** No.

**Mr LEE-WILLIAMS:** One of the things that we are working very closely with the RTA on quite co-operatively at the moment because of the trigger, is to get more pedestrian priority at traffic signals in the City of Sydney because the only way to stop that behaviour happening is to provide larger storage, which would mean we would have to widen the footpath and reduce the amount of traffic that could come into the city. So the alternative is to actually get greater throughput of pedestrians and not have them banked up. We are just working through that issue right now and that applies right across the 400 sets of signals in the city.

**The Hon. Robert BROWN:** Has the Council and the other councils that are involved with you in projects, for example, the light rail, considered combining bicycle and rail corridors rather than bicycle and road corridors?

**Mr LEE-WILLIAMS:** If you look at the inner west light rail extension I believe it is now called, out to Dulwich Hill; that will have a bicycle path right the way along it and a footpath as well. In the City of Sydney it will not be quite so easy because what we want to do is combine the light rail with the pedestrian corridor because it links to that heavy rail corridor as well. So you have got 20,000 or 30,000 people per hour pouring out of train stations and they are going to be distributed by

light rail. We do not really want the cyclists trying to negotiate that, but we will probably locate the buses and the cycle corridors together, using the hierarchy of roads through the city.

**(The witnesses withdrew)**

**The Committee adjourned at 3.05 p.m.**