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- **In 2009 the penalty for riding a bicycle without a helmet increased from 1 penalty unit to 5 penalty units. Did any community consultation take place concerning this increase?**

In 2009 the Road Safety Road Rules 1999 were remade as the Road Safety Road Rules 2009 (the Road Rules). The Victorian Government took the opportunity, at the time of the remaking of the Road Rules, to review all the penalty levels contained in the Road Rules as part of a commitment under the Government's *arrive alive* action plan.

As part of this review of all the penalty levels contained in the Road Rules, the court imposed penalty for failing to wear a bicycle helmet was raised from 1 penalty units to 5 penalty units (the value of a penalty unit in 2009 was \$113.42 in the first half of the year and \$116.82 in the second half of the year). The infringement penalty for failing to wear a bicycle helmet was raised from 0.5 penalty unit to 1.25 penalty units.

The penalties review was undertaken by VicRoads in consultation with Victoria Police and Department of Justice. The review considered over 400 financial penalties contained in the Road Rules, which were re-aligned largely to reflect relative crash risk, crash severity or injury risk and to ensure consistency with the *Attorney-General's Guidelines to the Infringements Act 2006*.

Prior to the remaking of the Road Rules in 2009 consultation with all states and territories occurred through the Australian Road Rules Maintenance Group and in turn the National Transport Commission (NTC). The NTC seeks the feedback of the broader community including local government on proposed changes to the Road Rules.

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- **Was a regulatory impact statement prepared?**

VicRoads did not prepare a regulatory impact statement (RIS) when the Road Rules were remade in 2009 because the Road Rules were exempt from the RIS process under section 95B of the **Road Safety Act 1986**. A further exemption from the RIS process for the Road Rules is contained in section 8(1)(f) of the *Subordinate Legislation Act 1994* as the Road Rules implement a national uniform legislation scheme and an assessment of costs and benefits was undertaken by the National Transport Commission.

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- **Could you indicate whether there was any reduction in cyclists' head injury rates as a consequence of, presumably, greater compliance, due to the higher penalty?**

The infringement penalty for failing to wear a bicycle helmet prior to 2009 was 0.5 penalty units. In 2009 it increased to 1.25 penalty units. The infringement penalty represents approximately 20% of the maximum court imposed penalty which is currently 5 penalty units. The value of a penalty unit in 2009 was \$113.42 in the first half of the year and \$116.82 in the second half of the year. The infringement penalty therefore increased by less than one penalty unit (0.75). Attributing a direct causal relationship between head injury rates to a 0.75 unit change in infringements is problematic due to a number of confounding factors such as enforcement strategies, risk taking behaviours, population patterns and baseline helmet use levels. VicRoads in answering this question did ask the Victorian Injury Surveillance Unit to report on the number of hospital admissions which are attributed to cycling related head injury. This data shows that in 2009/2010 there was a total of 247 hospital admissions resulting from head injury in cyclists. In 2010/11, 197 admissions are reported. Admissions increase again in 2011/12 to 214 and decrease in 2012/13 to 194.

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- **Are there any other examples in the road rules where something is illegal but not enforced or penalised?**

VicRoads was unable to identify an example from the Road Safety Road Rules 2009 where a type of behaviour is against the law but there is no penalty.

There is an example in the **Road Safety Act 1986** where the obligations of road users are listed (section 17A) but there is no penalty associated with the obligations. The importance of section 17A is in its connection to section 106 of the **Road Management Act 2004**, as the obligations listed in section 17A are the matters that a court must take into account in considering issues of contributory negligence in a claim of negligence concerning the performance of a road management function in respect of a road, or infrastructure on a road.

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- **The Austroads surveys carried out as part of the ongoing assessment of the National Cycling strategy shows that the rate of bicycle use in Victoria is actually in decline. Do you accept that?**

Cycling participation rates measured using different sampling methods and taken at different times will return varying results. The VicRoads statement on the website which you refer to is based on the Victorian Cycling Strategy (2012). This document quotes data from a number of sources, including the Exercise, Recreation and Sport Survey undertaken by the Australian Sports Commission (2010) which found that the number of people in Victoria who ride a bicycle at least once a year for exercise and recreation increased by around 30 per cent between 2001 and 2011. The Victorian Cycling Strategy also cites data from the Australian Bureau of Statistics census data that found that in 2011, the number of Melburnians who rode a bike to work increased by 35.7 per cent compared to 2006.

The National Cycling Participation Survey found that the number of people who participated in the survey and reported having cycled in the last week declined between 2011 and 2013 and then remained steady between 2013 and 2015, the numbers of respondents who reported participating in the last month declined between 2011 and 2015.

Other measures available to monitor cycling rates include the Victorian Integrated Travel Survey, VicRoads bike counters on key cycling paths and bike counts undertaken by non-government agencies. The Victorian Future Mobility Sensing project, an initiative of the University of Melbourne, in partnership with Department of Economic Development, Jobs, Transport and Resources (DEDJTR), Massachusetts Institute of Technology (MIT), and Singapore-MIT Alliance for Research and Technology (SMART), is now underway and is trialling the use of a smart phone application as a means of verifying survey data with GPS tracking. Digital solutions may provide a long term and affordable means of systematically collecting cycling participation rates.