

# TRANSCRIPT

## LEGISLATIVE ASSEMBLY ECONOMY AND INFRASTRUCTURE COMMITTEE

### **Inquiry into the impact of road safety behaviours on vulnerable road users**

Melbourne—Tuesday 8 August 2023

#### MEMBERS

Alison Marchant—Chair

Kim O’Keeffe—Deputy Chair

Anthony Cianflone

Wayne Farnham

John Mullahy

Dylan Wight

Jess Wilson

#### WITNESSES

Bill Kyriakopoulos, Deputy Secretary, Police, Racing, Victims and Coordination, Department of Justice and Community Safety and

Glenn Weir, Assistant Commissioner, Road Policing Command, Victoria Police

**The CHAIR:** Welcome to the public hearings for the Legislative Assembly Economy and Infrastructure Committee Inquiry into the impact of road safety behaviours on vulnerable road users. All mobile telephones should now be turned to silent.

All evidence given today will be recorded by Hansard and broadcast live on the Parliament website.

While all evidence taken by the Committee is protected by parliamentary privilege, comments repeated outside the hearing, including on social media, may not be protected by this privilege.

Witnesses will be provided with a proof version of the transcript to check. Verified transcripts and other documents provided to the Committee during the hearing will be published on the Committee's website.

Thank you for being here. I thought we might just quickly start with an introduction of the Committee members and then you before your presentation. I am the Chair, Alison Marchant, Member for Bellarine.

**Jess WILSON:** Jess Wilson, Member for Kew.

**John MULLAHY:** John Mullahy, Member for Glen Waverley.

**Dylan WIGHT:** Dylan Wight, Member for Tarneit.

**Wayne FARNHAM:** Wayne Farnham, Member for Narracan.

**Anthony CIANFLONE:** Anthony Cianflone, Member for Pascoe Vale.

**Glenn WEIR:** Good morning. I am Assistant Commissioner Glenn Weir. I am in charge of Road Policing Command at Victoria Police.

**Bill KYRIAKOPOULOS:** Bill Kyriakopoulos. I am Deputy Secretary of the Department of Justice and Community Safety, and I oversee police, victims, racing and coordination.

**The CHAIR:** Thank you. And you have an opening statement and presentation.

### **Visual presentation.**

**Glenn WEIR:** I do. I am going to go first. Thank you for the opportunity. I would like to begin by acknowledging the traditional owners of the lands on which we are meeting here today and pay my respects to elders past, present and emerging.

I lead Road Policing Command of Victoria Police and as such I am the lead of policy practice for everything in relation to road safety. We are dedicated to preventing road trauma through predominantly a shift in engaging with the community. We have just launched our five-year strategic plan *Keeping You Safe*, and road safety is a key component of that strategy.

We were significantly impacted during COVID in our ability to respond because of the significant service delivery refocus that we had to do to meet the requirements of the pandemic. That said, we are keeping our minds on a future with fewer road crashes. That will enable us to direct our resources in line with community expectations. Until we get to that point, our approach is governed by our *Victoria Police Road Safety Strategy*, which goes from 2021 to 2024, and it has three key pillars: engaging with community to deliver the best possible services to keep people safe, enhancing our internal capability to make sure that our people are well equipped and skilled to deliver those road safety measures and enforcing legislation and regulation where required in order to keep everyone else safe.

That said, the COVID-19 pandemic did significantly impact our ability to do all of those things. The enforcement of the Chief Health Officer's directions in response to the risk associated with the pandemic saw thousands of police redirected from normal duties to a variety of unprecedented operational requirements. So while we want to engage with community and while we want to enhance the capacity and capability of our workforce and while we want to enforce to keep people safe, we obviously have finite resources, and with requested prioritisation our service delivery during the pandemic was significantly impacted.

Despite that and our resources being reassigned to ensure the health and safety of Victorians, we continued to work strongly with our key partners in the road safety space to keep Victorian road users safe both from the effects of COVID-19 and by enforcing the CHO's directions, but also we did keep road policing operations going during that time. We had a significant reduction in road safety offending obviously, and detection, because of the impact of the restrictions on traffic flows. Despite lockdowns and changes to our operations, though, during the pandemic we saw significant high-risk periods, particularly holidays. We had metro Melbourne under a lot of restrictions and country Victoria under not so many. We still ran significant operations during COVID to ensure that people particularly in the rural areas were kept safe. And we did see a decrease in compliance with road safety behaviours in a number of areas, particularly noticed through the road safety camera system, which indicated that a number of individuals were engaged in high-risk behaviours, with lots of examples of extreme high-range speeding detected. It is obviously likely that a combination of more empty roads, reduced police presence dedicated to road safety and a general increase in aggression and risk-taking contributed to these behaviours and that high-risk speeding.

Many of the COVID impacts on us as an organisation and our ability to deliver our road safety programs stemmed from community safety and OH&S requirements. For example, we needed to alter our drug and alcohol testing approach to ensure infection control measures. You know, it was quite confronting for people to have a preliminary breath test by police, because they were fully gloved and fully masked. They were worried about the preliminary breath test, and while we had significant infection control done, that obviously slowed the amount of testing we could do. Indeed we had to completely give away mass testing because a lot of the booze buses and the resources dedicated to that were involved in border operations, hotel quarantine or other COVID-19 enforcement. That took place from March 2020 to October 2021 in essence, when we did not have a significant number of breath tests being conducted. We are back to doing that now.

We know that we are observing high-risk behaviours and more unusual high-risk behaviour on the roads, but we are seeing a slowing down of that behaviour. The first three months of this year, as we know, were really traumatic on the roads. We had 83 lives lost in the first three months. The second three months that was reduced to 69 lives lost, and in the month and a little bit since then, the start of the third quarter, we have seen a reduction. The predominant rise in lives lost this year has been because of the multifatality collisions. It is remarkable to see how many of those we have had. This time last year we had had one double fatality. This year we have had eight. This time last year we had had no quadruple fatalities. We have had two this year, and we have had one quintuple fatality. So we have had 19 extra fatal collisions this year, but we have had 35 more deaths. The previous presentation talked about spikes, and it is indeed a national trend. New South Wales are 45 up on their lives lost this year. South Australia have already exceeded their total lives lost from last year at this point in the year. And internationally as well that is a trend that we are seeing.

Talking about vulnerable road users, pleasingly we have seen a flattening of the lives lost this year in the vulnerable-road-user space. Certainly motorcyclists, which spiked last year, are down this year, pedestrians are about the same and cyclists are down as well. That said, we do not rest on our laurels and go, 'It's a good news story.' We have run a significant operation around pedestrians. We saw that spike last year, particularly in Merri-bek, Yarra, Port Phillip and the CBD—the City of Melbourne. Operation Halo, our longest-running operation, is going to run until the end of September. So we have seen a commensurate drop.

We are running a whole-of-sector forum at the MCG on 14 September to address that. It will have states from all around Australia, and all of our partners will be there. Our partnerships are strong. I really feel energised by the people that we engage with across the whole sector. We are all committed, but we recognise that with what we went through during the pandemic, with the behaviours and then the redirection of our service delivery and how we have had to reorientate that, it is taking some time to readdress that. But I am confident that we are in the right space. Thank you. Thanks, Bill.

**Bill KYRIAKOPOULOS:** Okay, I can just briefly take you through the role of the Department of Justice and Community Safety as part of the Road Safety Partnership. While we contribute to the strategic direction and development of the Partnership and work together on action plans and so on, our primary role is overseeing the policy management and operations of the automated enforcement activities, and that is primarily enforcement through road safety cameras.

As you can see from the slide, Victoria operates a mix of fixed, point-to-point, mobile and now distracted driving and seatbelt cameras, which are deployed at various locations across metro and rural Victoria. All road

safety cameras target different dangerous driving behaviours. The fixed and mobile safety road cameras target high-risk driving behaviours, such as speeding and red light running, while the distracted driving and seatbelt cameras are designed to detect illegal use of portable devices while driving—so that could be your iPhone or iPad. They also have the capability to detect drivers and passengers who are not wearing their seatbelts correctly, which has been a concerning trend. Distracted driving and seatbelt road safety cameras are the latest technology that we have introduced, and they are now deployed across Victoria. They were visible on our roads from 31 March this year, as we were setting them up and warning people that they are there and getting them adjusted to it, and enforcement started on 1 July.

Research broadly has shown that road safety cameras, with both general and specific deterrent effects, are one of the most effective ways to save lives and get motorists to slow down. Given the recent road trauma trend, enforcing road rules is a key priority for our Road Safety Partners to improve safety on our roads. Enforcement activities act as a deterrent to stop drivers from driving dangerously and to hold dangerous drivers to account. We are working pretty closely with our partners to make sure we get the balance right between enforcement and other measures across government. That is it.

**The CHAIR:** Wonderful. Thank you. I will open it up to the Committee to ask questions. We will do one question each, and then we will hopefully get time to go around again. Wayne, I will start with you.

**Wayne FARNHAM:** Thanks, Alison. Thank you for your submission. I appreciate that. My question is around rural roads. It is unfortunate that there is a saying at the moment that we have in rural Victoria, which is, ‘We don’t drive on the left of the road, we drive on what’s left of the road.’ My concern, which comes back to proper government investment in rural roads—and I would like to hear your opinion on this—is that quite often in rural Victoria the tragedy is significant, and we saw this year up in the north of the state the multiple fatality. My question is: do you feel as though if government invested more in rural roads and getting the roads safe, because it is about road safety, that we would have less fatalities and improve the statistics on fatalities in rural Victoria?

**Glenn WEIR:** Well, in terms of engineering and infrastructure, it is probably outside my remit and my expertise, but prior to this role in road policing, which I took over two years ago, I was the Assistant Commissioner for eastern region Victoria, which goes from Hawthorn to Wodonga to Mallacoota—so it includes your electorate—and in a previous life I had been the Inspector for South Gippsland and Bass Coast, so I am extremely cognisant of the impact that rural road fatalities have on communities. I have been asked this question a bit. We investigate and for every fatality and serious injury we look at causation and the Safe System approach that Samantha Cockfield spoke about, and we overlay that. So we are not seeing a trend where road conditions are a causation or a significant impact in many of the fatal collisions that we see. Ultimately these are all reviewed by the coroner. Particularly on rural roads this year we are seeing single vehicles offroad into fixed objects, like trees and that sort of thing. Predominantly it is very hard to unpack, because more times than not the driver is deceased so we cannot actually go through—and often they might be on their own, including one the other night in Drouin, which is really tragic. We are not seeing it, but it is probably a question for others in terms of infrastructure and engineering, in terms of: if there was more spent and more done, would that reduce trauma? Logically, the answer is yes, but as I said at the start, it is probably outside my area of expertise—it is probably a matter for transport—to talk about that. Marcelo talked about government investment, but where and when and what is a matter for road engineering experts, I think.

**The CHAIR:** Thank you, Wayne. Anthony.

**Bill KYRIAKOPOULOS:** All I would add is regarding the behavioural impacts of road trauma. We know that when we have got mobile cameras set up on regional and rural roads there is an improved behaviour and change to behaviour and crash data drops and incident data drops. Unfortunately, there are only so many we have and so many hours we can do per month, but we do know that that works as a very good deterrent where we have that ability to put them on those roads that we know are most dangerous.

**The CHAIR:** Thank you.

**Anthony CIANFLONE:** Thank you for your submission and for your evidence; it is greatly appreciated. I am curious to understand opportunities around how we can improve safety for vulnerable road users, particularly along our state’s arterial roads. For me, as an example, I have got some of the busiest and most

hazardous arterial roads in inner-city Melbourne and suburban Melbourne when it comes to Nicholson Street with competing uses, including tram uses for the number 1 tram; Bell Street—50,000 vehicle movements a day, one of the busiest east–west links; Sydney Road, with tram number 19; and Melville Road, with tram number 58. I guess my question really is: from an enforcement perspective what are the opportunities there, in your opinion, around how we can improve safety for, for example, vulnerable road users accessing trams, getting on and off trams? Some submissions have spoken to those issues, where cars are ignoring safety measures to protect passengers. They are enforcing existing speed limits along those arterials and protecting the vulnerable users around the schools and older residents, who we have seen a dramatic spike in, concerning, when it comes to accidents and deaths on the road—older pedestrians, sorry—particularly in the northern suburbs. I guess my question is: what opportunities are there from your perspective, through the Committee, to explore that?

**Glenn WEIR:** Yes. So we run two types of enforcement. General deterrence—so that is the visibility, the fear of getting caught and that visible police presence, and also the Partnership presence through advertising, the TAC; through the camera program that Bill spoke about, either fixed or mobile, but also seeing the police on the road. That is a general way of deterring people from doing the wrong thing and putting themselves at risk. But we also run a significant specific deterrence program, where we will use our intel, on which we have significant data. The previous presenter spoke about trauma, but we have significant data about offending as well, and we are really well connected with what we are seeing through the fixed and mobile cameras. We see that in terms of that offending, so we can target that on either side—create a bubble of enforcement on either side—of the fixed camera or mobile cameras to ensure that we have that continuum of care for people on the road.

In terms of the trams, we enforce what we see. Over the last few years there has been significant investment in the superstop-type tram stop that separates pedestrians from road users and tram users from vehicles, and that is great. But not every bit of infrastructure, I suppose, or road supports that type of treatment, so it is a problem. We educate and enforce where we can. Melbourne, I think, still has the biggest tram network in the world, so our ability to be all things to all people and be all places at all times is not possible. I think we always look at what happened and what the trauma is, but when you overlay that against the number of trips and people using that particular mode of transport each day, you know, it is not something that we are seeing that is spiking or that is something that is causing us significant road trauma.

**The CHAIR:** Thank you. Jess.

**Jess WILSON:** Thank you. Just maybe picking up on that briefly around the tram aspect, you mentioned investment in superstops. Maybe this is not something you can answer, but maybe if you could take it on notice—Bill, you could try—how does the determination go into where they prioritise investing in superstops? I have got a number of tram lines through my own electorate, and we see very few superstops coming online. But I know overall there is a huge investment, because they do help improve road safety. And a number of constituents often raise with me the fact that trams can stop very suddenly and there is not a lot of warning, and that puts at risk particularly elderly people who are trying to get on the tram. So do you have a sense of how the superstops are invested in?

**Glenn WEIR:** No, I do not. It is probably a question for Marcelo, prior, I would say.

**Bill KYRIAKOPOULOS:** I am happy to take that on notice for our colleagues from the Department of Transport and Planning.

**The CHAIR:** No worries. Would you like to follow that up?

**Jess WILSON:** Yes. Sorry—if you can take that on notice, that would be great. Also, we have spoken a lot today about speed limits and obviously deterrence around mobile cameras, fixed cameras, the new cameras. There is a lot of discussion about reducing speed limits to 30 kilometres an hour. That is something that has come through a number of submissions, and I know the World Health Organization has also recommended this. What is your view on reducing speed limits to 30 kilometres an hour? And what is the best way to go about that working with local communities? It is always not necessarily popular to reduce the speed limit, and even reducing it to 40 kilometres an hour has been controversial in some circumstances. What is the Victorian

Government's approach to looking at that, and Victoria Police's experience in any areas where that has been done already?

**Glenn WEIR:** Well, we enforce the limit that is set, and we will use active measures, all our measures too at the start—and we have done it quite successfully in school zones, for example, even the permanent 40s or the between times school zones. We have done a lot of work in enforcing those to look after children, one of our most vulnerable assets. In terms of setting limits, you know, our view is very much—and we discuss this at partnership level a lot, whether it is local government and what that connection between local government who own a lot of those roads compared to the roads that are owned by DTP—we give our input. It is obvious that the lower the speed, if there is any impact, then the likelihood is the lower the trauma. That is particularly in relation to fatigue or distraction as well, and that distance you can travel while having a microsleep or while being distracted and looking down at your phone. That is a real problem. The lower the speed, the less the impact, the less likely there is to be a fatality. So we would support a partnership approach to any speed limit reform, and we would do our bit to enforce around that, being very much led by the science and the research that other agencies help deliver as part of the Partnership—absolutely.

**Bill KYRIAKOPOULOS:** Unfortunately, Ms Wilson, it is the same here: we will enforce the speeds that are determined, but it is a matter for DTP and the Government to make these decisions, and it is just a matter of enforcing those speeds where they are set.

**Jess WILSON:** Thank you.

**The CHAIR:** Thanks. John.

**John MULLAHY:** Thanks, Chair. Thanks for the submission. How could police data on crashes that do not result in death or serious injury be collected and made available to policymakers and researchers?

**Glenn WEIR:** This was a question and a recommendation from the last inquiry in 2019. We had changed back in 2011 the way that we collect data, and the recommendation was—rec 20 of the previous inquiry—that we recommence capturing non-injury data. Now, that recommendation was not accepted by us at the time and it was not supported, and we supplied a response that stands still today, that where there is no apparent injury and the parties' details are exchanged and the owner or representative can be notified—where it is one of those, you know, minor collisions where everyone stops and does the right thing and exchanges names and addresses—we do not take a report around that. I get why the question was raised last time, four years ago, at the inquiry. Often the difference between an injury, a fatal collision and a non-injury collision can be a matter of metres, a matter of seconds or a matter of luck. Our position is that we would rather our people were on the front line and were out enforcing and being visible than taking time to report something that, for all intents and purposes, if there is no injury and everyone has exchanged names and addresses, is doing the job of an insurance company, really. Our response to that, as it was in 2019, remains the same today. That is our view.

**Dylan WIGHT:** Yes. Thank you. Thanks so much for your submission. In your opening remarks you spoke about a decrease in safe road use during COVID being coupled at the same time with a significant reduction in capacity to be able to enforce road rules. In your opinion, has that time and those two things perhaps created some complacency amongst a cohort of road users and created some long-term negative behaviours?

**Glenn WEIR:** That is a bit of a question in two parts, I suppose. In terms of the long-term impact, we do not know. I mean, we are in the middle of that post-pandemic thing, so trends over time will probably determine that. Certainly we were quite shocked by some of the behaviour during and immediately after COVID. If you look at the end of 2021 and into the start of last year, the sort of high-risk stuff that the cameras were picking up during COVID and some of those speeds that we saw were really concerning. But also when we came out of COVID, in the immediate aftermath of that, when we went back to business as usual and were doing large-scale drug and alcohol testing, for example, we ran an operation at the end of 2021 on the Monash Freeway near Warrigal Road, and we were stunned at the amount of people we caught drink driving, particularly green and red P-plates, who have to have a zero BAC. Their thing was, 'Well, we haven't seen the police doing this for 18 months, so we just thought we'd take the risk.' And for us that was the real sign of, 'Oh, we've got a bit of an issue here.' So we have been working really hard to increase and re-establish our output. We acquitted during COVID—it was hard work, but we did it—our target of 150,000 roadside drug tests. We were funded for 100,000 each year, and the Government uplifted an extra 50,000. We have just been successful in the

budget that has just been delivered, and those 150,000 drug tests are ongoing, which is great. We struggled to meet our target of 3 million preliminary breath tests, obviously, during COVID, because we were not testing and there were not people on the roads, but we are back into the swing of that.

The trend over time we will see continuing, I think. Some of that high-risk behaviour continued in the first six months of this year, and that is in those figures that I gave around the road trauma, particularly in the first three months. But we are very cognisant of it and we are monitoring to see how that goes over time, because that is the real issue for us. We all talk about spikes in trauma, but there are spikes in behaviour. We hope and we are reasonably confident that we have seen the apex of that behaviour and it will now smoothly trend down, but we are not taking our eye off it. It is a really good question.

**Dylan WIGHT:** Thanks.

**Bill KYRIAKOPOULOS:** To Glenn's point, we will look at the longer-term trends, but interestingly, despite the lower traffic volumes, speeding data from the fixed cameras showed that there was an increase in the number of infringements issued for that period. That has decreased post COVID, so that is obviously a good thing. Although while there were a number of reductions—the infringements for red light offences came down during COVID—that has actually spiked post COVID. Again it is data that will tell us more the more we have, so we will wait to see what the longer-term trends say, but there are some interesting points in there.

**The CHAIR:** Thank you. I might go to that, following on from that question talking about the effectiveness of the new cameras and the detecting of mobile phones and seatbelt wearing—and obviously seatbelts have become an alarming contributing factor to a lot of our trauma. Can you just talk about maybe what you are seeing, what the cameras are showing and how you will evaluate those as we progress?

**Bill KYRIAKOPOULOS:** You bet. Interestingly, just for a bit of context, the TAC road safety monitor initially identified that around 72% of drivers acknowledged that they were using handheld mobile phones while driving, including using an app, making or receiving a phone call or sending or receiving text messages. Distracted driving is not an issue that is particular to Victoria. It is something all Australian jurisdictions have to deal with. In 2020 we conducted a three-month trial of mobile phone and seatbelt detection camera technology to determine whether the tech was capable of reliably detecting illegal mobile phone use and other risky driving behaviour such as seatbelt wearing offences, and the results indicated that one in every 42 drivers illegally used their mobile phone and put lives at risk as a result. So the rollout of the new cameras in 2023, earlier this year, coincided with new driver distraction road rules which came into effect on 31 March this year, bringing us in line with the Australian road rules.

Those road rules extended current mobile phone laws to cover modern technology including built-in vehicle systems, mounted devices, wearable devices like smart watches and portable devices like tablets. There was a three-month advisory letter period, which recently came to an end, and the new cameras commenced enforcement on 1 July. Around 2,000 hours of camera deployment were delivered each month during that trial period, detecting 1.5 million vehicles. We had about three trailers at various times doing that work. We have four in the system currently looking at mobile phone and seatbelt detection. We have got about 122 sites across the state, and they are obviously not all working at the same time. There is some interesting data from that period which is concerning, especially around seatbelts. I think we were all a little bit surprised. No-one is surprised about people using their mobile phones in cars, but seatbelt data is very, very concerning—and not just drivers, either, but passengers as well. There were over 12,000 advisory letters sent out between 31 March and 30 June this year. Over 5,000, about 42%, were issued for portable device offences; 45%—about 5,500—were issued for driver seatbelt non-compliance; and then there were about 1,500 issued for passenger seatbelt non-compliance. So it is pretty concerning data, and unfortunately even though we have not released our data for the first month of operation yet, the trend is similar and the data is similar and stacks up with what we saw during the trial period.

Just on evaluation, we will look at doing an evaluation after about 12 months of data. We only just started, so next year we will have a good look at what the data is telling us, what change we might need and what we might consider as far as expanding the program or altering the program accordingly.

**The CHAIR:** Thank you. And just following, maybe: are the police seeing this as well—not just in the camera sense, but are you seeing the same trend?

**Glenn WEIR:** Yes, so in terms of mobile phones the distraction associated with phones and devices has been a longstanding issue, which is why we were really pleased when DJCS announced that they were going to follow in the other states' footsteps and introduce those cameras, which we strongly support, around deployment, and obviously we do the back end of issuing from an enforcement perspective.

The seatbelt one is really interesting, because the actual trend we are seeing is of not wearing a properly fitted and adjusted seatbelt. It is not just not wearing it, because as the car fleet matures most cars yell at you if you have not got your seatbelt on and make a horrible noise, which is a good increase in technology, but the concern is people actually go to the trouble of clicking it in behind them so they do not do that, or not wearing them properly fitted across the shoulder, so when they are involved in a collision of course it is actually really traumatic. So that is a behavioural piece that we are trying to understand. That continuing 20, 22, 25 people over the last few years who have not been wearing a seatbelt when they have been involved in a collision is really concerning—and it involved a multiple quadruple death up near Shepparton earlier this year. There were five people in that car. The only person who survived was the driver, who had his on, and the other four did not and were all killed. So it is a constant problem for us in terms of distraction and the seatbelt stuff, but it is a basic behavioural trend. It would be great if technology improved the position—I think the mobile phone companies have a responsibility here, a social responsibility—to make it easier for people to disengage from their devices whilst they are driving. As car technology increases and things are made easier, particularly hands-free answering of telephones, technology hopefully will increase where the safety level will increase exponentially as well.

**The CHAIR:** Thank you. Wayne.

**Wayne FARNHAM:** Thank you. I am keen to get your thoughts—a two-part question—on the increase in drug driving, and the fact that in Victoria we do not test for cocaine, but they do in New South Wales and Queensland. Obviously drug-affected drivers will cause accidents. I am curious about your thoughts about that particular issue.

**Glenn WEIR:** Sure. In terms of drugs more broadly, in Victoria we are again at the forefront of this. We developed the roadside drug testing regime, and other states and countries now look to us. Of course you only know what you detect, to a large degree, until something goes wrong. We are lucky—everyone over the age of 15 who is involved in a collision goes to hospital and gets tested. Then the Victorian Institute of Forensic Medicine do significant testing for a panel of drugs post-mortem as well. The increase that I talked about just before in the number of tests that we are doing is a real bonus for us. We are upskilling more of our workforce to do roadside drug testing. It was traditionally only done by highway patrol units and the booze bus/drug bus operators, but we have spread it to more of the workforce.

We had a problem a couple of years ago where we would detect someone at the roadside who tested positive—on the preliminary test we would give them the evidentiary oral test and that would go off for analysis, even though they had tested positive, and we had to wait for the results of the analysis before we then did anything about the status of their licence. That was a real problem—a gap—for us, so we worked through a program we call 'infringement at the roadside' where we detect those people and they are immediately banned and then suspended and we send it off for analysis. VIFM have been fantastic in the turnaround times. We have not had one come back negative yet. That is actually a mitigation for everyone on the roads, because the obvious problem was those people still continue to drive until we can impact on their licence, so they are still at risk. That is something that we are maturing—the way that we understand our intel about where there are pockets of people more likely to drive when using drugs.

You are right: at the moment we test for cannabis, for methamphetamine and for MDMA, or ecstasy. That is the panel of drugs that we test for at the roadside with our tests. We are working through the cocaine issue. We are not seeing cocaine present as a major factor in collisions—either serious injury or fatal—but we are working and there is a significant amount of work going on at the moment, and I am hopeful that before the end of the year we will have a decision on an initiative that we are going to do that will be in the space around cocaine. At the 2019 parliamentary inquiry there was a recommendation that we would look at that, and of course we started that work and then the pandemic hit. To be brutally honest, a lot of our project work and all that other back-of-house stuff had to stop because everything was focused on our response to the pandemic. I apologise, but that is just the way it is. But we have not put it in a cupboard. We are working really hard on this, and I am confident that we will have something, moving forward, in cocaine in the not-too-distant future.



**Anthony CIANFLONE:** Thank you. My question is around: how can we better support safer road user outcomes for vulnerable transport workers? We have received a submission from the Transport Workers Union which says that since 2016 there have been over 1,000 deaths associated with truck crashes and 250 of those were truck drivers. Extending on from that, I was at the national convoy on the weekend which promoted these issues and called for greater awareness and safety across the country, and in the last two years 364 deaths were associated with the transport industry and 99 of those were truck drivers. But if you extrapolate those statistics, there are a lot of those accidents relating to the increasing number of courier drivers, gig economy drivers and scooter drivers associated with the food delivery industry and other order-to-home industries. So I guess in that context I would really be interested in your views from an enforcement point of view and from a road safety promotion point of view on what opportunities are there to mitigate those issues?

**Glenn WEIR:** It is a really interesting question because one of the great tragedies of course around the time of the pandemic was the Eastern Freeway crash where we lost four of our colleagues with a drug-affected truck driver. The work we have done with the National Heavy Vehicle Regulator since then has been significant, and we have talked about the Partnership here today in Victoria. Our national Partnership with the NHVR has grown exponentially, and we now do a lot of work with them in terms of enforcement, education and engagement. We are sharing a lot of data and we are sharing a lot of systems. They have allowed us access to their automatic numberplate recognition system for trucks. They have fixed cameras that they have so that we can keep an eye on it. But it is not all about whacking the truckies and enforcing people, it is about that education piece as well. The investigation that went on into the Eastern Freeway crash was quite remarkable in that it was an incident that happened in Victoria involving a truck-driving company from interstate that is now being prosecuted in another state with Victoria as the nominal informant. With all of the chain-of-responsibility legislation and activity that we have undertaken, we have had a significant uplift in our capability, our knowledge and our engagement with that organisation and with trucking organisations.

Our Heavy Vehicle Unit, which sits under my command, does a lot of work with not only the regulator but the industry as well. We do site visits and compliance checks, which are educative in the first instance, and if people will not take on board what we are trying to tell them, obviously then there is some more rigorous enforcement and compliance checking that goes on. It is a problem for us. As we came out of COVID and went back to that broader use of the network, nationally and in Victoria, we have seen a lot of issues. We have had lots of infrastructure—the Big Build is happening everywhere—so that impacts on that as well. It is something that we are very cognisant of, and we are working really hard with the industry to help educate where we can and enforce where we must.

**Wayne FARNHAM:** Thank you.

**Jess WILSON:** Thank you. We hear a lot at the moment about e-scooters—by your reaction.

**Glenn WEIR:** E-scooters, yes. I ‘love’ e-scooters!

**Jess WILSON:** We hear about e-scooters being used on footpaths and causing incidents with pedestrians, with cyclists and with other road users. I am keen to get your take, Assistant Commissioner, on how best e-scooters can be brought in in a safe way with other road users and a sense of the incidents that you have seen occur since they have become very popular, particularly in the CBD, over recent times.

**Glenn WEIR:** Sure, yes. I think e-scooters are here to stay, there is no doubt about it. If you just look at the numbers in terms of usage and ask, ‘Is this a good business model?’ it is obvious that it is. I can see it. People spend a lot of time around the city at events at the MCG and other places, and it is now people’s preferred method of travel back to transport hubs. We are seeing an obvious uptick in trauma associated with it, but of course privately owned e-scooters were illegal to use on roads prior to very recently. When the trial scooters came in, we ran some significant operations, because everyone thought it was open slather and ‘I own a private e-scooter, so I can now use it.’ Well, no, you cannot—you can now on certain roads. We saw an uptick in use associated with an uptick in trauma. The geofencing around the particular LGAs that they are used in works well, and you will quite often see them abandoned just on the border. No doubt in Boroondara you would see them in the Yarra.

**Jess WILSON:** Yes, as you cross the river they are banked up.

**Glenn WEIR:** Yes, there they are. We talked to Transport about this, and there is a working group that deals with e-scooters. We have been involved in this from the very start. We have always supported the Government trial around e-scooters, and we always will. I would like to see a real exploration of the technology. If we can geofence around certain streets, where it stops there, can we geofence off footpaths as well? That would be an obvious thing. There are obvious risks of cars and other vehicles interacting with e-scooters but also e-scooters interacting with pedestrians. It is a difficult thing to enforce, but we do run a lot of enforcement, particularly our bike patrols and our motorcycle silos, because it is a difficult thing to enforce. We need to work with the industry, and the Partnership needs to work with it. It is here to stay, as I said, so we need to make the best of it. I would like to see some more onus put on the users, probably, because one risk is they lay around scattered on footpaths and people trip over them. That is a slight—but it could be a—risk. We have had some elderly people be hit or trip over, and that is not good. That multimodal transport, the different modes of transport, is not a problem just for us; it happens in other jurisdictions and it happens overseas. I have seen it overseas; they are everywhere. So we need to work with it, but it is a challenge.

**Jess WILSON:** Thank you.

**The CHAIR:** John.

**John MULLAHY:** Thanks, Chair. Several submissions raised concerns that rules on minimum passing distance of cyclists are not being effectively enforced. How does Victoria Police measure and enforce this rule, and how many associated fines have been issued?

**Glenn WEIR:** The minimum distance—so 1 metre or 1.5 metres depending on the speed limit—has been in since 26 April 2021. It is a difficult piece of legislation to enforce. It is a bit like the tram—you know, I gave the answer before—we enforce what we see or what we get reported to us associated with evidence, like vision. In the 2021–22 financial year we issued 30 penalty notices for the new offence and in the last financial year we issued 20. That said, in the last financial year we saw a significant expansion of bike lanes that obviously particularly—and I do not know the usage; the relevant LGAs could give us some figures on how often those bike lanes are used. There is that balance between bike lane safety and then traffic interruption, but I think there is an associated uplift in infrastructure with the downturn in enforcement. But we will always enforce what we see and what we have reported to us. I know talking to the Amy Gillett Foundation, who we have a great relationship with and I talk to Dan Kneipp all the time about this, it is not something that we are blind to but it is, as I said, a difficult thing to enforce if we do not see it. But where we do see it or where we do report it, it is enforced.

**The CHAIR:** Thank you. Sorry, Dylan, we are out of time for you to ask a question.

**Dylan WIGHT:** No dramas.

**The CHAIR:** Thank you so much, both of you, for your submissions and for coming today to answer our questions. We really appreciate it.

**Witnesses withdrew.**