



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING, TRANSPORT AND CITY SERVICES
Jo Clay MLA (Chair), Suzanne Orr MLA (Deputy), Mark Parton MLA

Submission No 35 - Mr Harold Marshall

Inquiry into the Road Transport (Safety and
Traffic Management) Amendment Bill 2021 (No 2)

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From: [REDACTED]
Subject: Public Transport Inquiry Submission
Date: Sunday, 1 August 2021 3:17:48 PM
Attachments: [Canberra Weekly Feb 10 pg10.pdf](#)
[Canberra Weekly May 13-19 pg3.pdf](#)

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To the Co-ordinator,

I sent this in on the 30th July & it was done in a hurry as I had suffered computer problems plus my computer inability, needing someone else to despatch it for me, which I had told Adam Bell earlier. In my haste I have omitted a couple of pertinent matters that I'd like to add in please as I doubt you have reviewed this yet. Would you accept my request to destroy the previous submission & replace it with this, please.

There were two small additions in the paragraph starting "I refer you to the Canberra Weekly of the 11th February" & also to the paragraph starting "Three or four years ago & the paragraph starting "I also refer you to the City News of May 13 - 19 " 4th paragraph from the bottom. Thank you Harold Marshall.

From: Harold Marshall
Sent: Friday, 30 July 2021 3:32 PM
To: LAccommitteePTCS@parliament.act.gov.au <LAccommitteePTCS@parliament.act.gov.au>
Subject: Public Transport Inquiry Submission

INQUIRY INTO PUBLIC TRANSPORT - SUBMISSION.

I heard the latter end of a radio interview with Jo Clay on ABC earlier this week I think it was so I'm not conversant with the full interview but what I understood was that this inquiry was in respect of bicycles & riders so that is what I am addressing.

Governments have many matters to cover, one of which is protecting people from themselves, things like seat belts, car baby seats, bike helmets etc & it should have cyclists in there also as they are their own worst enemy, because when they become involved with car accidents, they have no protection except the helmet.

In the modern world majority rules, well does it, not with cycles, they are a privileged minority. There would be a lot more vehicles on the road in peak hours in particular, than bikes but that doesn't matter it seems, they are being allowed to mingle with traffic in spite of there being little room for their safety,.

In researching this matter I learned that bikes are given the privileged law of "Claim the lane" which, if I read it correctly allows them to move to the middle of the lane & obstruct traffic. If that happened to you as a motorist, I expect that you likely wouldn't be aware of that law & be rather upset with the rider. Assaults occur this way.

I drove buses in the ACT, up to 70 seats for 13 years ceasing in January 2020 & bicycles are a problem for heavy vehicles. I drove the southern areas & on the multi lane roads, Drakeford & Tharwa Drives etc in peak hours where there were riders who rode the cycle white line regularly.

Heavy vehicles require almost all of the lane & if a rider was on the white line in that period the heavy vehicle has nowhere to move as the driver's side will have three or four vehicles locking it in so they can't really abide by the rule of distance to be allowed legally

so the law is against the heavy vehicle driver.

Three or four years ago I took a submission up with a sitting member of the Labor party on this subject & it went nowhere & at the same time I hand delivered it to Pedal Power where I was told “ I only carry out Board Directions & the reason that riders use the white line is because the roads aren't swept & riders get punctures”. I'll bet it will still continue. Recently I was invited to take this up with a sitting Liberal Party member, which I did but like the Labor Party, no reply or action to my knowledge.

I also ride a bike but I'm not stupid enough to put my life on the line, cyclists also cause other problems, as do some motorists, that cause arguments, fights & aggression which helps no one thanks to the laws favouring cyclists.

I refer you to the Canberra Weekly of 11th February 2021 page 10 where it gives accident statistics for cyclists reported to Police - since 2012 there have been 5 killed & over 1700 accidents which when averaged out to 2021 is 188 accidents per annum (plus unreported accidents), when, if they used the shared paths that were provided for them, where I hear they also cause problems for pedestrians, particularly if they were deaf, that number would be considerably reduced.

It goes on to say close to 40% of accidents occur between 7 & 9 A M according to Government data & Civic, Braddon, Turner, Ainslie & Dickson where they most occur. There is also more accident advice on Northbourne Avenue shown but I'll not list that, you should read it for yourself as I will send it in. It is a very informative article re statistics.

I also refer you to The City News of May 13-19, page 3 where cyclists are claiming more rules against motorists as well as showing a picture of a cycle accident with a trailer & on the face of it the bike rider is wrong, he is in the middle of the road & has hit the back of the trailer. The motorist wasn't charged re the accident. This request should be denied.

Horses were a mode of travel in my younger days & whilst they can still use the roads it has been realised that their days are over & bikes are now in the same position, they should be off busy roads @ least during peak hours as traffic will flow much more smoothly, there would be less disruption because of cycle accidents & injuries over that period, they can use the shared paths as was intended. Bikes should not be a “Sacred Cow” as at present but be relegated to their current status, past history.

Having gone to all of this trouble I will now consider what I have often thought of doing, put this submission in the paper, on Facebook & Twitter & let the motorists have a say .

There is an old saying & I can't recall the first section but it goes something like this, There will be no changes achieved or corrected if good men do nothing.

For your consideration.

Harold Marshall. 29th July 2021.

(Sources attached to this email)

Canberra's most accident-prone zones for cyclists

The Inner North is the most accident-prone area for cyclists on ACT roads, and the morning commute is the most dangerous time, with close to 40% of crashes occurring between 7am and 9am, according to ACT Government data.

Over 1,700 bicycle accidents have been reported to ACT Policing since 2012, and the most frequently reported accident sites are in Civic, Braddon, Turner, Ainslie and Dickson.

Of those, one in five incidents occurred between 8am and 9am.



The zebra crossing on Challis Street in Dickson is one of the most frequently reported bicycle collision sites. Photo: Kerrie Brewer.

About 40% of all bicycle crashes caused an injury, and the remaining 60% caused property damage without physical harm to those involved.

This information comes as no surprise to Canberra's peak cycling body, Pedal Power ACT. "There are high volumes of cars and bicycles in these areas at peak commuting times," a spokesperson said.

"Drivers and riders can be so focussed on getting to work or home at peak periods that they take risks they may not take at other times, like speeding and cutting in and out."

Of the top 12 accident locations over almost a decade, 50% were along Northbourne Avenue and the majority were caused by a vehicle travelling in the same direction as the cyclist sideswiping the bike.

Just over 30% of all accidents were a right-angle 'T-bone' collision and there have been five cyclist fatalities on ACT roads since 2012.

Two intersections tied in top place as the most frequently reported cyclist accident sites in the ACT, with 24 incident reports each to date.

One is the intersection of Barry Drive, Cooyong Street and Northbourne Avenue in Braddon and the other is the zebra crossing where the bike path intersects Challis Street in Dickson.

These figures may be the tip of the iceberg, according to a Pedal Power spokesperson who said not all cyclist accidents were reported.

Cyclists involved in a crash with another vehicle in the ACT should report the incident to police within 24 hours.

Last year there were 100 fewer crashes reported than in 2019, which may be attributed to lighter traffic during peak hours with many Canberrans working from home.

According to the Pedal Power ACT spokesperson, separation from other vehicles is the key to cycling safety, preferably via a separated cycleway network.

In the short term, Pedal Power would like to see the removal of slip lanes in high traffic areas and a commitment not to build any more.

Visit pedalpower.org.au/safety/ for safe riding tips.

- Rosa Ritchie

Cyclists want gap closed between crime and fine

By Danielle NOHRA

WHEN a video went viral late last year of a cyclist being knocked off a bike by a trailer, Pedal Power ACT discovered a major issue with the law.

The incident eventually saw the driver lose a small number of demerit points and fined \$393 for negligent driving, however, the charge was in response to the driver travelling over an island, and not in response to it endangering the bike rider.

"They would have got the same fine had they not hit the bike rider," says Pedal Power ACT CEO Ian Ross.

Since this discovery, Pedal Power ACT has been calling for urgent changes to the current road transport legislation to better reflect the seriousness of endangering cyclists, pedestrians and motorcyclists through negligent driving.

Ian says if a bike rider has been hit by a car and is not admitted to hospital, and the driver is at fault, the only action police say they can take is to issue a negligent-driving infringement notice to the driver.

"[The legislation] should also include an offence provision for neg-

ligent driving which causes injury – current legislation only recognises injuries at the very top end of the scale, where a person is permanently disfigured," he says.

"We believe this is a significant gap."

In regards to the incident in the video, Ian says a motorist could basically do that three times and they could still hold on to their licence.

"You could write off a \$393 fine and not really worry about it if you're a small business. So it just struck us that the penalties were not sufficient to deter people from doing those things," he says.

It's not uncommon for bike riders to get struck by vehicles in the ACT and Ian says Pedal Power receives at least one report a week about someone being hit.

"It is an ongoing issue," says Ian, who also points to the data nationally, which reveals that bike-rider fatalities are on the rise.

"The most recent data shows that between 2008 and 2021, there's been a 45 per cent increase in fatalities on our road.

"That's just completely unacceptable. Cycle accidents are just not viewed as serious enough."



The cyclist being clipped by a trailer.

Ian Ross... "We've had people die on our roads in Canberra, we have not seen a lot of prosecutions for dangerous driving for those people." Photo: Danielle Nohra

One problem, according to Ian, is that many of the accidents don't require people to be hospitalised (people can have broken bones and other things and not need to be admitted to hospital). However, because of that, it might not be considered to be grievous bodily harm and therefore doesn't get referred to court.

"[For the rider in the video], they had damaged their wrist, they had quite a bit of time off work and they reported that they had ongoing trauma," he says.

Pedal Power ACT would like more serious penalties being given follow-

ing accidents where there is any kind of injury to a vulnerable road user. "The police need to have the capacity to leverage that as a traffic-infringement notice so that there is a really clear connection between the crime and the fine," Ian says.

"We would like to see a significant increase in points as well. "We've had people die on our roads in Canberra, we have not seen a lot of prosecutions for dangerous driving for those people. "I'm not judging any individual cases [but] people have to grossly break the law or already be doing ter-

rible things on the roads for it to be considered a significant crime.

"It's really unfortunate that we do live in a community where it takes penalties to change behaviour but we know from drink driving, for instance, that it substantially changed behaviour as soon as police were able to start targeting those things and introduce serious fines."

Pedal Power ACT also wants to see more road safety campaigning by ACT and federal governments, in particular in minimum passing distance laws, says Ian.

"We would like to see better enforcement action by ACT policing, too," he says.

"The minimum passing laws were finally introduced into law in 2017 and we are yet to see substantial work being done to enforce those laws.

"We're aware that there were campaigns done late last year but we have seen no data or information about those. We would love to see ACT policing seriously test and prosecute minimum passing distance offences, too."

Pedal Power ACT is currently in active negotiations with the ACT government to have the laws amended.

"We are pretty confident that we will get something moving in the next few months," Ian says.

Here's a link to the video [youtube.com/watch?v=0FexFIQVSS](https://www.youtube.com/watch?v=0FexFIQVSS)