



A new direction for cycling in Queensland

Report No. 39 - Inquiry into Cycling Issues
Transport, Housing and Local
Government Committee
November 2013

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Transport, Housing and Local Government Committee

Chair	Mr Howard Hobbs MP, Member for Warrego
Deputy Chair	Mrs Desley Scott MP, Member for Woodridge
Members	Mr John Grant MP, Member for Springwood Mr Darren Grimwade MP, Member for Morayfield Mr Carl Judge MP, Member for Yeerongpilly Mr Anthony Shorten MP, Member for Algester Mr Jason Woodforth MP, Member for Nudgee Mr Bill Byrne, Member for Rockhampton* Mr Tim Mulherin MP, Member for Mackay* Mr Curtis Pitt MP, Member for Mulgrave* Ms Jackie Trad MP, Member for South Brisbane*
Committee Staff	Ms Kate McGuckin, Research Director Ms Danielle Cooper, Principal Research Officer Ms Megan Johns, Principal Research Officer Ms Kelli Longworth, Principal Research Officer Ms Kellie Moule, Principal Research Officer Ms Rachelle Stacey, Principal Research Officer Ms Debbie Mohi, Executive Assistant Ms Lisa Van Der Kley, Executive Assistant
Contact details	Transport, Housing and Local Government Committee Parliament House George Street Brisbane Qld 4000
Telephone	+61 7 3406 7486
Fax	+61 7 3406 7070
Email	thlgc@parliament.qld.gov.au
Web	www.parliament.qld.gov.au/thlgc

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The Committee thanks those who briefed the Committee, made submissions, gave evidence and participated in its Inquiry.

*These members replaced Mrs Desley Scott MP while she attended other committee meetings.

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Abbreviations

ACT	Australian Capital Territory
AGF	The Amy Gillett Foundation
ABS	Australian Bureau of Statistics
ALRC	Australian Law Reform Commission
ARR	Australian Road Rules
BAZ	Bicycle Awareness Zone
BCC	Brisbane City Council
BUG	Bicycle User Group
CARRS-Q	Centre for Accident Research and Road Safety – Queensland
CBD	Central Business District
Committee	Transport, Housing and Local Government Committee
CTP	Compulsory Third Party
EU	European Union
Cycle Strategy	Queensland Government's ' <i>Queensland Cycle Strategy 2011-2021</i> '
Inquiry	THLGC Inquiry into Cycling Issues
MACCS	Monash Alfred Cycle Crash Study
MHL	Mandatory Helmet Laws
MOD	Minimum Overtaking Distance
NSW	New South Wales
NT	Northern Territory
NTC	National Transport Commission
NZMJ	New Zealand Medical Journal
PCBU	Person conducting a business or undertaking
QISU	Queensland Injury Surveillance Unit
QLS	Queensland Law Society
QPS	Queensland Police Service
QRR	Queensland Road Rules, as prescribed under the <i>Transport Operations (Road Use Management) Road Rules Regulation 2009</i>
QUT	Queensland University of Technology

RACQ	The Royal Automobile Club of Queensland Ltd
TORR Regulation	<i>Transport Operations (Road Use Management) Road Rules Regulation 2009</i>
SA	South Australia
SPER	State Penalties Enforcement Regulation 2000
SEQ	South-east Queensland
TAFE	Technical and Further Education
TAS	Tasmania
TMR	Department of Transport and Main Roads
TORUM Act	<i>Transport Operations (Road Use Management) Act 1995 (Qld)</i>
VIC	Victoria
VRU	Vulnerable road user
WA	Western Australia
WHS	Workplace health and safety
WHS laws	Work, health and safety laws
WHS Act	<i>Work Health and Safety Act 2011 (Qld)</i>
UK	United Kingdom

Glossary

active transport	A mode of travel for commuter, recreational or utility purposes by physically active means, that is, walking and cycling.
Austrroads	Austrroads is the association of Australian and New Zealand road transport and traffic authorities. Austrroads members are collectively responsible for the management, operation and regulation of Australia's road infrastructure.
bicycle hire scheme	A service in which bicycles are made available for shared use to individuals on a short term basis, where the user pays a 'hire' fee for the use of the bicycle. Brisbane City Council's 'City Cycle' and Melbourne's 'Bike share' programs are examples of bicycle hire schemes in Australia.
bicycle lane	A portion of the roadway which has been designated by striping, signing and pavement marking for the preferential or exclusive use by cyclists.
bicycle network	A defined set of bicycle routes which make it possible to travel around a region by bicycle in a safe and connected manner. A Principal Bicycle Network (PBN) is a network of proposed and existing cycle routes that are identified as priority 'high frequency' routes, and provide access to major destinations within a city or region. The PBN may also be used as a 'bicycle infrastructure planning tool' to guide state investment in the development of transport bicycle network.
bicycle rider	A person who is riding a bicycle (referred to as a cyclist throughout this Report). The <i>Transport Operations (Road Use Management) Road Rules Regulation 2009</i> refers to a cyclist as a 'rider', and unless expressly stated a bicycle rider is included in the broad definition of a 'driver'.
bicycle storage areas (also known as bike boxes, advanced stop lines)	Marked areas at a signalised intersection, in front of the motor vehicle lane, where cyclists can wait while the light is red. The 'boxes' are intended to make cyclists more visible to motor vehicles and give them a head start through the intersection (depending on the design).
bicycle train (also known as bike bus)	A group of people who cycle to a destination such as school or work in a group. It's called a 'train' and/or 'bus' because there is a set route and timetable so that cyclists can join the group along the route.
Bicycle User Group (BUG)	Group or organisation whose members support, encourage and advocate for cycling in communities and workplaces.
car-centric	A bias towards motorised vehicles.
controlling the lane (also known as 'using the full lane', or 'claiming the lane')	The practice of 'controlling the lane' refers to the road lane positioning of a cyclist where they travel near the centre of a marked travel lane, rather than keeping to the kerbside edge. This practice acknowledges the fact that in many cases road lanes are not wide enough to be safely shared by cars and bicycles operating side-by-side and provides the cyclist greater visibility within the lane space and protection from motor vehicles attempting to pass too close.
cyclist	Any person who rides a bicycle for recreational, social, health and/or transport reasons.

cyclist-hostile	Road conditions and riding environment not conducive to a safe and enjoyable cycling experience.
demerit point	A penalty that is allocated for a range of driving offences and recorded against a driver's license. Demerit points accumulate across a specified period and if the maximum demerit points are reached can result in a driver's license being suspended.
dooring	The name given to the type of incident or crash which occurs when the door of a vehicle that is parallel parked on the side of the road is opened into the path of an approaching cyclist.
dooring zone	The space within which an opening or open car door projects from the outer edge of the vehicle, and where a cyclist (or other road user) is in danger of being hit by a car door.
driver	Any person driving a vehicle. The <i>Transport Operations (Road Use Management) Road Rules Regulation 2009</i> defines a 'driver' as being inclusive of a 'rider' who is a person who is riding a motorcycle, bicycle, animal or animal-drawn vehicle. A <u>motor vehicle</u> 'driver' is a person driving a motor vehicle.
footpaths	Paths beside a road principally designed for foot traffic (note - under Queensland road rules, a person can ride a bicycle on the footpath unless specifically prohibited by local laws).
hook turn storage box	A boxed area line marking on the road within a multi-lane signalised intersection showing a cyclist where to position themselves to do a "hook turn". This facility allows cyclists to make a right turn at intersections whilst also keeping to the left of the road/intersection.
lead agency	An agency formally delegated 'lead' or 'primary' responsibility for the oversight, management and coordination for all matters related a particular policy and/or program area.
MACCS	The Monash Alfred Cycle Crash Study is a pilot collaborative research study of Alfred Health and Monash University Accident Research Centre (MUARC). Its objective is to provide an in-depth analysis of bicycle crash causation and injury outcome to inform the development of effective countermeasures.
non-signalised intersections	An intersection without traffic lights.
off-road bicycle facility	Any bicycle facility located on a road-related area paralleling a road, or through parks or reserves or within public transport corridors and other public or private land not open to motor vehicle traffic.
on-road bicycle facility	Any bicycle facility provided for within the road lane and/or forms part of the road space used by/open to other motor vehicles.
penalty unit	An amount of money used to compute pecuniary penalties for breaches of statute law. Fines are calculated by multiplying the value of one penalty unit (\$110 in Queensland) by the number of penalty units prescribed for the offence.

road traffic authority	A body responsible for the care, control or management of roads within a given jurisdiction. In Queensland this responsibility is shared across federal, state and local government.
road user	Any operator of a vehicle, using a road or road-related area for transport, recreational or utility purposes and, under Queensland law, includes a driver, cyclist, passenger or pedestrian.
rolling stop (Idaho Stop Law)	Manoeuvre in which a cyclist approaches a stop sign and slows down, stopping where required for safety, before 'rolling' through the intersection.
Roundtable discussion	The Roundtable discussion held by the Committee at Parliament House on 16 October 2013
separated paths	Off-road facilities where separate paths are designated for pedestrians and bicycle riders and each signed respectively.
shared paths	Off-road facilities designed to be shared by pedestrians and bicycle riders.
sharrow	A form of shared lane marking, where the marking is placed in the centre of the road lane, and indicates that a cyclist may use the full width of the lane.
signalised intersection	An intersection with traffic lights.
strict liability	A standard for liability, in either a criminal or civil context, which makes a person legally responsible for damage or loss caused by their actions and omissions regardless of culpability.
vulnerable road user (VRU)	Non-motorised road users, such as pedestrians and cyclists as well as motorcyclists and persons with disabilities or reduced mobility and orientation.
vehicle	Includes a motor vehicle, bicycle, animal drawn vehicle, animal being ridden or drawing a vehicle, or motorised personal mobility device.
utility cycling	Any cycling done simply as a means of transport rather than as a sport or leisure activity. It includes commuting to work, school or university, economic activity such as the delivering of goods or services or shopping and running errands.

Chair's foreword

On 7 June 2013, the Legislative Assembly agreed to a motion that the Transport, Housing and Local Government Committee inquire and report on ways in which to improve the interaction between cyclists and other road users. On behalf of the Committee, I am pleased to present Report No. 39 – Inquiry into Cycling Issues.

Our Committee has taken its responsibility in conducting this Inquiry very seriously. Cyclists are inherently more vulnerable than most motorists due to the lack of protection offered by a vehicle and because they are frequently in close proximity to larger and faster motorised vehicles. Unfortunately this means cyclists involved in a crash are often seriously injured or lose their lives. The Committee is mindful of the immense personal, social, economic and health costs this road trauma imposes on the Queensland community.

The Committee has consulted widely and gathered evidence from a number of key stakeholder groups as well as numerous individual cyclists, motorists and road safety experts throughout the Inquiry. I would like to acknowledge those who have briefed the Committee, provided submissions, and others who have informed the Committee's deliberations through their participation in the Inquiry process. The Committee received submissions and heard evidence from a number of people who have suffered personal injury as a result of a cycling accident and from the family of a cyclist killed in a road collision. The Committee is particularly appreciative of the effort made by those people for whom the task of providing evidence may have been distressing.

The Committee recognises that some issues considered through this Inquiry are particularly divisive in the community. The emotion generated by these issues was reflected in the evidence provided. The Committee notes however that the majority of cyclists and motorists are overwhelmingly compliant with the road rules and most display courtesy to each other on the road. Many submitters, even those who had experienced antagonism and aggression, acknowledged this fact.

The Committee has conducted hearings throughout Queensland, examined a significant amount of detailed evidence from submitters and witnesses, and has reviewed research from Australia and overseas on the issues covered in this Inquiry. The Committee recognises that there is likely to be significant growth in cycling in the coming years and that our present road rules are not suitable to accommodate this growth. We have made a comprehensive set of recommendations which the Committee believes have the potential to significantly improve the interaction between cyclists and motorists on Queensland's roads, thereby improving the human, economic and environmental outcomes.

I wish to thank the members of the Committee for their detailed consideration of the issues covered by the Inquiry and the Committee's secretariat and the Queensland Parliamentary Library for their assistance throughout the Inquiry process.

I commend the Report to the House.



Howard Hobbs MP

Chair

November 2013

Recommendations

Implementation:

Recommendation 1 **7**

The Committee recommends that the Department of Transport and Main Roads be provided lead agency status, and be appropriately resourced, to provide oversight, management and coordination of all cycling related matters for the Queensland Government, including implementation of the *Queensland Cycle Strategy 2011-2021* and of the recommendations made by the Committee in this Report.

Cycling statistics:

Recommendation 2 **11**

The Committee recommends the Minister for Transport and Main Roads investigate robust mechanisms for measuring bicycle participation and mode of transport share in Queensland to support already established targets and inform a business case for bicycle program investment.

Recommendation 3 **17**

The Committee recommends that the Department of Transport and Main Roads work with other relevant agencies to address the current lack of centralised data collection and reporting for on- and off-road cyclist injuries and fatalities.

Recommendation 4 **17**

The Committee recommends that the Department of Transport and Main Roads, in partnership with key stakeholders, explore mechanisms to encourage and facilitate bicycle-related incident reporting, particularly where safety issues and potential breaches of the Queensland road rules are involved.

Recommendation 5 **17**

The Committee recommends that the Department of Transport and Main Roads develop a strategy to better document the incidence of bicycle-related injuries on roads in order to target appropriate interventions more effectively.

Queensland road rule review:

Recommendation 6 **20**

The Committee recommends that the Minister for Transport and Main Roads develop a “vulnerable road user hierarchy” policy which reflects and promotes the social, health, environmental and community benefits of increased modes of ‘active’ and ‘public’ transport over existing primary road user categories and that the hierarchy be adopted in the relevant planning instruments and transport infrastructure regulations.

Recommendation 7 **20**

The Committee recommends that the Minister for Transport and Main Roads review all relevant legislation and sub-ordinate legislation to ensure that road rules and definitions accurately and consistently recognise cyclists as legitimate road users and, where appropriate, amend road rules to reflect the general principle that all road users must acknowledge the presence of and give right of way to the more vulnerable road user (for example, motor vehicles giving way to cyclists and cyclists giving way to pedestrians).

Recommendation 8 **31**

The Committee recommends that the Minister for Transport and Main Roads amend Queensland road rule section 144 to introduce a minimum overtaking distance by inserting a new provision specifying that a sufficient distance for overtaking a bicycle means:

- a) a lateral distance of not less than 1 metre if the applicable speed limit does not exceed 60 km/h and
- b) a lateral distance of not less than 1.5 metres if the applicable speed limit exceeds 60 km/h.
(NB. Lateral distance needs to be defined as being measured from the right side of the bicycle or bicycle rider to the left side of the driver's mirrors or other projections including trailers and other attachments.)

Recommendation 9 **31**

The Committee recommends that the Minister for Transport and Main Roads prescribe a penalty for failing to comply with amended Queensland road rule section 144 set out in Recommendation 8 above as follows:

- a) a maximum fine of 40 penalty units (that is maximum \$4,400) and
- b) a maximum loss of 8 demerit points.

Recommendation 10 **31**

The Committee recommends that the Minister for Transport and Main Roads further amend the Queensland road rules to ensure that motorised wheelchairs, which are lawfully allowed to travel on the road, are also protected by the minimum overtaking distance legislation.

Recommendation 11 **33**

The Committee recommends that the Minister for Transport and Main Roads fund an extensive community awareness campaign both prior to, and following the introduction of the new minimum overtaking distance regulations and that this campaign incorporates humanising cyclists in a way the general public can identify with them.

Recommendation 12 **33**

The Committee recommends that the Department of Transport and Main Roads work with motoring organisation (such as the RACQ and the Taxi Council Queensland) and with heavy vehicle and passenger transport operators to ensure all Queensland drivers, and drivers across the nation who might drive in Queensland are made aware of the new minimum overtaking distance requirement in the Queensland road rules. For example: including minimum overtaking distance signs at the Queensland borders.

Recommendation 13 **33**

The Committee recommends that the Department for Transport and Main Roads develop guidelines and an education campaign to inform drivers on ways in which they can avoid close interaction with cyclists – for example, driving in the right hand lane of a multi-lane road.

Recommendation 14**34**

The Committee recommends that the Minister for Transport and Main Roads insert a new Queensland road rule section 139A to provide specific provisions, to accompany the minimum overtaking distance road rule section 144, along the lines of the following:

- (1) A driver on a two-way road without a dividing line or median strip may drive to the right of the centre of the road to overtake the rider of a bicycle if—
 - (a) the driver has a clear view of any approaching traffic and
 - (b) the driver can do so safely;otherwise the driver must wait until it is safe to overtake the rider of a bicycle.
- (2) A driver on a road with a dividing line, single continuous line, or 2 parallel continuous lines may drive to the right of a dividing line, single continuous line, or 2 parallel continuous lines to overtake the rider of a bicycle if—
 - (a) the driver has a clear view of any approaching traffic and
 - (b) the driver can do so safely;otherwise the driver must wait until it is safe to overtake the rider of a bicycle.
- (3) A driver who performs an overtaking action in (1) and (2) must signal this right and left change of direction in accordance with Queensland road rules sections 46-48.

Recommendation 15**47**

The Committee recommends that the Minister for Transport and Main Roads:

- introduce a 24 month trial which exempts cyclists aged 16 years and over from the mandatory helmet road rule when riding in parks, on footpaths and shared/cycle paths and on roads with a speed limit of 60 km/hr or less and
- develop an evaluation strategy for the trial which includes baseline measurements and data collection (for example through the CityCycle Scheme) so that an assessment can be made which measures the effect and proves any benefits.

Recommendation 16**47**

The Committee recommends that the Minister for Transport and Main Roads introduce an exemption from Queensland road rule 256 for all cyclists age 16 years and over using a bicycle from a public or commercial bicycle hire scheme.

Recommendation 17**47**

The Committee recommends that the Minister for Transport and Main Roads introduce amendments to current regulations to ensure that parents of children (15 years and under) are liable to pay the penalty where their child is found to be riding without a helmet.

Recommendation 18**50**

The Committee recommends that the Minister for Transport and Main Roads amend the relevant Queensland road rules to allow for a 'rolling stop' rule which permits cyclists to treat stop signs as give way signs where it is safe to do so.

Recommendation 19**52**

The Committee recommends that the Minister for Transport and Main Roads amend the relevant Queensland road rules to allow a 'left turn on red permitted after stopping' rule for cyclists at red lights.

Recommendation 20 **55**

The Committee recommends that the Minister for Transport and Main Roads amend the Queensland road rule section 248 to permit cyclists to ride on a pedestrian crossing (Zebra) or children's crossing *provided* the cyclist approaching the crossing:

- a) first slows down, as near as practicable to, but before reaching, the stop line at the crossing; and where required for safety, stop, and
- b) proceeds slowly and safely; and
- c) gives way to any pedestrian on the crossing; and
- d) keeps to the left of any oncoming rider of a bicycle or person who is using a personal mobility device.

The Committee also recommends that the Minister amend Queensland road rule section 81 so that a driver must give way to cyclists using a pedestrian crossing or children's crossing.

Recommendation 21 **57**

The Committee recommends that the Minister for Transport and Main Roads consider the impact on cyclists of any changes to speed limits when reviewing transport-related policies and strategies, including, for example, the Queensland Road Safety Action Plan 2013–2015 and the Speed Management Strategy 2010–2013.

Recommendation 22 **59**

The Committee recommends that the Minister for Transport and Main Roads remove Queensland road rule section 119 'Giving way by the rider of a bicycle or animal to a vehicle leaving a roundabout'.

Recommendation 23 **59**

The Committee recommends that the Minister for Transport and Main Roads review and amend all Queensland road rules relating to road user conduct/actions on roundabouts to provide for cyclists to enter and exit a roundabout from the centre of the lane.

Recommendation 24 **60**

The Committee recommends that the Minister for Transport and Main Roads amend Queensland road rule section 129 so that motorists are not required to keep to the far left side of the road unless it is impracticable to do so.

Recommendation 25 **64**

The Committee recommends that the Minister for Transport and Main Roads add a provision to the Queensland road rules to specify that bicycle lanes are clearways between 6-9am and 3-7pm on weekdays.

Recommendation 26 **65**

The Committee recommends that the Minister for Transport and Main Roads amend Queensland road rule section 247 'Riding in a bicycle lane on a road' as follows:

(1) The rider of a bicycle riding on a length of road with a bicycle lane designed for bicycles travelling in the same direction as the rider should ride in the bicycle lane unless it is impracticable to do so.

Recommendation 27**68**

The Committee recommends that the Minister for Transport and Main Roads:

- remove the requirement in road rule (section 258) for a bicycle to have a bell in working order and
- insert a new requirement into the road rules that a bicycle rider must give an audible warning of their presence as near as practicable to, but before reaching, a pedestrian or a cyclist they are approaching or passing.

Recommendation 28**69**

The Committee recommends that the Minister for Transport and Main Roads amend Queensland road rule section 259 to make it compulsory for a flashing or steady light that is clearly visible for at least 200 metres to be displayed on the front and rear of a bicycle, or the cyclist, at all times.

Recommendation 29**71**

The Committee recommends that the Minister for Transport and Main Roads implement the recommendations contained in this Report independently of whether they are agreed to nationally through the national road rule process.

Vulnerable Road User Protection:**Recommendation 30****93**

The Committee recommends that the Minister for Transport and Main Roads introduce a criminal offence of “Infliction of Injury or Death to Vulnerable Road Users” based on the model statute for a vulnerable road user law drafted by the League of American Bicyclists but which incorporates a range of penalties that include maximum penalties that are tougher than the existing penalty framework provided in section 83 (Careless driving of motor vehicles) of the *Transport Operations (Road Use Management) Act 1995* (Qld).

Review of penalties and sanctions:**Recommendation 31****101**

The Committee recommends that the Minister for Transport and Main Roads, in consultation with the Attorney General and Minister for Justice, review the penalties set out in Schedule 3 of the *State Penalties Enforcement Regulation 2000* with a view to increasing infringement penalty units for cyclists to equal those for motorists where the potential to endanger other road users is greatest.

Recommendation 32**101**

The Committee recommends that the Department of Transport and Main Roads work closely with the Department of Justice and Attorney General, Queensland Police Service and the Queensland Law Society to:

- a) undertake a review to assess the effectiveness of current road rules, demerit point schedules and the criminal code in protecting vulnerable road users
- b) make recommendations for future law reform in Queensland to provide improved safety for vulnerable road users and
- c) ensure that penalties relevant to those road rules amended as a result of the recommendations of this Inquiry are also reviewed and updated as required.

Recommendation 33 **101**

The Committee recommends that the review recommended in Recommendation 32 above should specifically consider the following:

- a) introduction of specific provisions and tougher penalties relating to Menacing and Predatory Road Behaviour within the Criminal Code and/or other relevant instruments
- b) introduction of specific provisions and tougher penalties related to leaving the scene of an accident within the Criminal Code and/or other relevant instruments and
- c) increasing penalties and provisions for 'on-the-spot' fines for 'dooring' offences within the Queensland Road Rules, Demerit Points Schedule and/or other relevant instruments.

Bicycle registration:**Recommendation 34** **106**

The Committee recommends that the registration of bicycles not be introduced in Queensland and, if this recommendation is supported, the Minister for Transport and Main Roads make a public statement clearly outlining the reasons for making the decision.

Cycling infrastructure and facilities:**Recommendation 35** **114**

The Committee recommends that the Minister for Transport and Main Roads review available best practice guidelines and develop a Queensland Cycle Infrastructure Standard to guide the design and placement of bicycle network infrastructure across Queensland.

Further the Committee recommends that this "standard" be adopted within relevant planning instruments and transport infrastructure regulations to ensure consistency of implementation by local, state and federal government in the provision of cycle infrastructure in Queensland now and into the future.

Recommendation 36 **114**

The Committee recommends that the Department of Transport and Main Roads, as lead agency on cycling, coordinate with local government authorities, to establish an amalgamated state-wide cycle network database and infrastructure quality assessment monitoring system which is transparent, regularly updated and publically available; and which assesses infrastructure against the adopted Queensland Cycle Infrastructure Standards (see recommendation 35).

Recommendation 37 **121**

The Committee recommends that the Department of Transport and Main Roads work with relevant road authorities throughout Queensland to ensure the Austroads 'standard' is applied (as a minimum) for the placement of dedicated bicycle lanes ensuring that: where possible adequate lane width and separation from other road users is provided; and where parking zones are present, bicycle lanes are provided adequate space away from "dooring" area of parked cars.

The Committee further recommends that:

- a) where the above standards cannot be met with respect to width and separation, bicycle lanes be removed and replaced with alternative cycle facilities that do not compromise the safety of cyclists and other road users and
- b) where parking zones are present adjacent to a designated bicycle lanes that 'kerbside running' bicycle lanes, which position the cyclist to the left of parked cars and moving traffic between the curb and the car zone (also known as Copenhagen bicycle lanes) be adopted as the best practice and preferred standard for all new and upgraded cycle infrastructure.

Recommendation 38**122**

The Committee recommends that the Department of Transport and Main Roads work with relevant road authorities throughout Queensland to ensure:

- the current use of Bicycle Awareness Zones associated line markings are replaced with the more widely used and easily recognizable “sharrows” placed in the centre of the shared lane space.
- a ‘standard’ is developed for the installation and treatment of shared lane facilities such as “sharrow” markings so that their usage is consistent across Queensland and traffic regimes. The standard needs to make it clear that advisory markings have only a limited use, restricted to lower speed and lower volume traffic conditions in accordance with the best practice/design standards recommended in Recommendation 8.1 above and
- that implementation of this recommendation is supported by an appropriate education and awareness campaign to explain the concept to all road users of “shared” zones.

Recommendation 39**122**

The Committee recommends that if recommendations 37 and 38 not be adopted, the Department of Transport and Main Roads work with local governments across Queensland to review the current placement and use of on-road bicycle infrastructure (namely bicycle lanes and bicycle awareness zones) across Queensland to determine if they are meeting their intended objectives and providing for the safety of cyclists and other road users.

Recommendation 40**122**

The Committee recommends that the Department of Transport and Main Roads work with relevant road authorities throughout Queensland to ensure the Austroads ‘standard’ is applied (as a minimum) for the installation and treatment of off-road shared user pathways and cycleways and ensure the consistent application of these standards across Queensland’s cycle network.

The Committee recommends that the standards for off-road shared user pathways and cycleways should specifically address:

- the use of consistent advisory speed limits on shared pathways and cycleways
- optimal use of separation, line markings and signage on shared pathways and cycleways and
- placement of cycle-friendly kerb mounts and footpath connections installed at the entry and exit points to on-road cycle lanes.

Recommendation 41**127**

The Committee recommends that the Department of Transport and Main Roads review best practice design options for roundabouts; and ensure that road authorities adopt best practice design standards for all new and upgraded roundabout projects along principal high frequency cycle routes.

Recommendation 42**127**

The Committee recommends that the Department of Transport and Main Roads work with all relevant road authorities to implement lower enforceable speed limits in the approach to and at roundabouts in declared shared road user zones.

Recommendation 43 **128**

The Committee recommends that the Minister for Transport and Main Roads amend the Queensland road rules to formally recognise that, in the absence of fully separated/buffered bicycle lanes, the preferred and legal action at roundabouts is for cyclists to ‘control the lane’ whereby the cyclist merges with other road users and enters/travels through the roundabout from the centre of the lane.

The Committee recommends that in order to accommodate the above amendment, the Department of Transport and Main Roads work in collaboration with all Queensland road authorities to review the safety of current bicycle lanes placed around the outside of roundabouts in declared shared road user zones, and make necessary changes to provide either fully separated/buffered bicycle lanes or amend road markings and signage to accommodate the ‘control the lane’ approach.

Recommendation 44 **128**

The Committee recommends that the Minister for Transport and Main Roads:

- facilitate a trial of the use of bicycle storage areas, hook turn storage areas, and advanced Stop/Give Way line markings at a greater number of intersections across Queensland to determine their effectiveness in relation to improving visibility and safety of cyclists to other road users and
- should the trial prove successful in improving the safety outcomes for cyclists, look to include bicycle storage areas, hook turn storage areas, and advanced Stop/Give Way line markings as ‘standards’ for intersections along principle cycle routes.

Recommendation 45 **134**

The Committee recommends that the Minister for Transport and Main Roads consider the adoption as a standard for cycle network planning and provision one or both of the following principles:

- Connectivity Principle: That no bicycle lane would be more than 1.5km from another in the inner suburbs, and no more than three kilometres between bicycle lanes in outer suburbs.
- ‘Every Street’ Principle: That ‘every street’ be considered a potential cycle route and where possible cycle-friendly treatment be applied to provide for safe and convenient use by cyclists alongside other road users.

Recommendation 46 **135**

The Committee recommends that the Department of Transport and Main Roads, in consultation with local governments, develop a Principal Bicycle Network plan for all major city centres across Queensland which maps out an integrated network of priority bicycle routes.

Recommendation 47 **135**

The Committee recommends that the Department of Transport and Main Roads in consultation with key stakeholders identify a list of all existing cycling infrastructure and routes not considered “adequate” (including those referred to as part of the Inquiry process) and prioritise upgrades to these facilities as the first step towards delivering a Principal Bicycle Network.

Recommendation 48 **135**

The Committee recommends that the Minister for Transport and Main Roads explore policy and/or regulatory mechanisms to ensure the “mandatory” consideration and compliance with the following cycling policies in all new and upgrade road projects (local, state and federal; public and private proponents):

- Cycling Infrastructure Policy and
- Road User Hierarchy and
- Principal Bicycle Network plan.

Recommendation 49 **135**

The Committee recommends the Minister for Transport and Main Roads ensure the transparent reporting and benchmarking of the application of the above policy for mandatory consideration of cycling facilities and the road user hierarchy in all major infrastructure developments and road upgrade projects (public and private); and that this be reported in the Department’s annual report.

Recommendation 50 **135**

The Committee recommends that to support project proponents (public and private) in meeting the above policies and standards, the Minister for Transport and Main Roads should review and update existing guidelines to reflect Australian and international design standards for cycling infrastructure.

Recommendation 51 **135**

The Committee recommends that the Department of Transport and Main Roads, as lead agency on cycling, engage with all relevant local, state and federal authorities to ensure state-wide coverage of policies recommended above and to ensure consistency across Queensland in design standards for cycling infrastructure.

Recommendation 52 **137**

The Committee recommends that the Minister for Transport and Main Roads, in partnership with relevant public transport authorities, review the current integration of cycling infrastructure with public transport networks including consideration of:

- policies and provisions to allow for the carrying of bicycles on public transport across the state’s public transport network and
- provision and placement of bicycle storage facilities at all major public transport interchanges and stations.

Recommendation 53 **137**

The Committee recommends that the Department of Transport and Main Roads work with relevant road authorities to review existing maintenance policies for Queensland bicycle facilities and develop a state-wide cycle network maintenance protocol which maps out all bicycle network facilities and allocates clear responsibility and funding requirements for maintenance across local, state and federal road authorities.

Recommendation 54 **137**

The Committee recommends that the Department of Transport and Main Roads investigate available technology and introduce a bicycle network ‘black spot’ reporting system which provides a permanent process by which road users can nominate or report “inadequate” infrastructure, bicycle route upgrades, and maintenance issues to ensure Queensland’s cycling infrastructure continues to meet the expectations of cyclists and other road users.

Recommendation 55 **138**

The Committee recommends that the Department of Transport and Main Roads work with other relevant agencies to ensure guidelines for construction and road work sites give due consideration to and minimise hazards to cyclists.

Education and awareness:**Recommendation 56** **150**

The Committee recommends that the Minister for Transport and Main Roads develop proactive, comprehensive and integrated education campaigns to be funded and implemented urgently. The campaigns should include any of the changes that are introduced as a result of the recommendation contained in this Report and also encompass (but not be limited to):

- Queensland road rules and responsibilities, specifically as they relate to cyclists
- awareness of penalties
- roundabouts
- overtaking (cyclists overtaking cars and motorists overtaking bicycles)
- left turns on red lights
- entitlement to road use (including how road infrastructure is funded)
- vulnerable road user principles/liability
- dooring
- rolling stop.

Recommendation 57 **151**

The Committee recommends that the Department of Transport and Main Roads approve and install suitable permanent roadside signs depicting required driver-bicycle interaction as part of the introduction of new minimum overtaking distance laws.

Recommendation 58 **152**

The Committee recommends that the Minister for Transport and Main Roads investigate and incorporate social marketing principles as extensively as appropriate into the education and awareness campaigns recommended in this Report.

Recommendation 59 **154**

The Committee recommends that the Minister for Transport and Main Roads ensure the proportion of the annual road safety budget dedicated to education and awareness between cyclists and drivers be at least proportional to the representation of cyclists in the Australian population (around 18% in 2011).

Recommendation 60 **155**

The Committee recommends that the Minister for Transport and Main Roads work collaboratively with organisations involved in cycling safety with a view to sharing resources to achieve efficiency and greater safety outcomes.

Recommendation 61 156

The Committee recommends that the Minister for Transport and Main Roads include cycling related material in both the written and practical driver's licence testing. Specifically:

- mandatory inclusion of at least 5% (or 2 questions, whichever is higher) about road rules relating to cycling in the theoretical/written component of driver's licence testing and
- mandatory inclusion of interaction with cycling related infrastructure in the practical component of driver's licence testing.

Recommendation 62 157

The Committee recommends that the Minister for Transport and Main Roads develop a simple form of road rules revision (such as a short, online, open-book check list) which should be promoted in driver's licence renewal, registration and traffic offence notices.

Recommendation 63 157

The Committee recommends that the Minister for Transport and Main Roads ensure the consolidation of all cycling related information in the *Your Keys to Driving in Queensland* driver's licence guide into one distinct section.

Recommendation 64 158

The Committee recommends that the Minister for Transport and Main Roads consider making specific road-sharing training and education compulsory for all professional bus, taxi and truck drivers as part of obtaining their operating licences.

Recommendation 65 162

The Committee recommends that the Minister for Transport and Main Roads consider re-prioritising implementation of the Queensland Cycle Strategy 2011-2021 Signature Project 2.1 (*pilot and deliver nationally-accredited bicycle education programs suitable for children and adults*).

Recommendation 66 163

The Committee recommends the Minister for Transport and Main Roads develop, fund and implement a single, short form code of conduct brochure to be widely distributed to replace the multiple documents produced by multiple agencies throughout Queensland.

Recommendation 67 164

The Committee recommends that the Minister for Transport and Main Roads proactively promote the Bicycle Train (Bike Bus) scheme to schools throughout Queensland and that schools be more actively supported to implement the scheme in their school communities.

Recommendation 68 165

The Committee recommends that the Minister for Transport and Main Roads consider the suggestions for new education and awareness initiatives made in submissions to this Inquiry with a view to incorporating them into the broader education and awareness campaign as appropriate.

1 Introduction

The recommendations in this Report are addressed to the Minister for Transport and Main Roads as the responsible minister.¹

1.1 Role of the Committee

The Transport, Housing and Local Government Committee (the Committee) is a portfolio committee established by the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly (the Standing Orders) on 18 May 2012.² The Committee consists of both government and non-government members and its primary areas of responsibility are:

- Transport and Main Roads
- Housing and Public Works
- Local Government, Community Recovery and Resilience.³

In relation to its areas of responsibility, the Committee:

- examines legislation, including subordinate legislation, to consider the policy to be enacted and the application of the fundamental legislative principles set out in part 4, section 24 of the *Legislative Standards Act 1992*
- considers the Appropriation Bills (acting as an estimates committee)
- assesses the public accounts and public works of each department in regard to the integrity, economy, efficiency and effectiveness of financial management and
- has a responsibility to consider any other issue referred to it by the Assembly, whether or not the issue is within a portfolio area.⁴

The Committee may deal with these matters by considering them and reporting and making recommendations about them to the Assembly.⁵

1.2 Terms of reference

On 7 June 2013 the Legislative Assembly agreed to a motion that the Transport, Housing and Local Government Committee inquire into and report on the following particular issues to improve the interaction of cyclists with other road users:

- short and long term trends in bicycle injuries and fatalities involving motor vehicles
- evaluation, considering factors such as effectiveness, enforceability and impacts on other road users of existing and any other alternative road rules, such as the 1m rule, which govern interaction between cyclists and other road users
- current penalties and sanctions, including where there are differential fine rates for cyclists compared to other road users
- the potential benefits and impacts of bicycle registration.

The motion further stated that the Committee should take public submissions and consult with key interest groups including road user groups, bicycle rider associations, road safety experts, government agencies and individual members of the public.

¹ Parliament of Queensland Act 2001, section 107

² Parliament of Queensland Act 2001, section 88 and Standing Order 194

³ The Standing Orders, Schedule 6 – Portfolio Committees as amended 14 February 2013

⁴ Parliament of Queensland Act 2001, section 92(2)

⁵ Parliament of Queensland Act 2001, section 92(3)

The Committee was required to report to the Legislative Assembly by 29 November 2013.

1.3 Conduct of the Inquiry

Subsequent to receiving the referral, the Committee resolved to call for public submissions. The closing date for submissions was 26 July 2013. The Committee received 106 submissions. A list of those who made submissions is provided at Appendix A. Copies of the submissions (with the exception of confidential submissions) have been published on the Committee's webpage at [THLGC - Queensland Parliament](#).

On 18 June 2013, the Committee held a public departmental briefing with officers from the Department of Transport and Main Roads (TMR) and the Queensland Police Service (QPS) to receive information on various aspects of the referral. A list of witnesses who appeared at the briefing is provided at Appendix B.

The Committee held several public hearings to hear the views of stakeholders:

- Brisbane on 21 August 2013 (19 witnesses)
- Mooloolaba, Sunshine Coast on 27 August 2013 (6 witnesses)
- Townsville on 3 September 2013 (6 witnesses)
- Cairns on 4 September 2013 (6 witnesses)
- Brisbane on 1 October 2013 (1 witness).

A list of witnesses who gave evidence at the public hearings is provided at Appendix B.

On 16 October 2013, the Committee held a public roundtable discussion with a number of key stakeholders. A list of the participants of the roundtable discussion is provided at Appendix B.

Transcripts from the public briefing and the public hearings, as well as responses to Questions on Notice have been published on the Committee website and are available at: [THLGC - Queensland Parliament](#).

2 Context of the Inquiry

RACQ believes that we have an issue of education and culture rather than the need for more regulation. We are committed to a road-sharing culture that provides mechanisms for courteous and harmonious road use. We promote the road as a shared space with multiple users in a range of vehicle types. All road users should obey the road rules, be focused on driving safely and sharing the road with all other users. Particular care is required around vulnerable road users such as cyclists and pedestrians. RACQ believes that it is the role of government to enhance cyclists' safety through the successful introduction of engineering, education and enforcement measures.⁶

2.1 Benefits of cycling - individual and community

There are numerous, well-documented benefits of cycling including health, social, economic and environmental benefits including:

- cycling is a **low impact activity** and one of the safest ways to exercise without risk of over-exertion or strain to muscles and joints
- **anxiety, stress and depression are all alleviated**, partly due to the physical activity itself, but also due to the pleasure and satisfaction of riding a bicycle
- cycling has additional wider public benefits such as **lowering road and traffic congestion**
- encouraging active transport for adults and children **improves physical activity levels** and reduces sedentary time
- cycling 10 kilometres each way to work **reduces greenhouse gas emissions** (1500 kg/year)
- **the community saves 60 cents per kilometre** for every car trip replaced by a bicycle ride
- **less car parks required** - up to 20 bicycles can be stored in the space required for one car
- bicycles offer **door-to-door service and are often quicker** than cars over short distances up to five kilometres
- cycling offers a **cheaper form of transport** for those who are socially disadvantaged and less likely to own a car.⁷

The Cycling Promotion Fund provides the following assessment of the increasing reliance on the motor vehicle as the only legitimate mode of transport:

It is now increasingly clear that excessive car use is having negative economic repercussions. The soaring cost of oil, spiralling rates of obesity and congestion as well as mounting concern over climate change reinforces the urgent need to assess our current transport behaviour and seek practical, sustainable alternatives.⁸

The following estimated costs are provided as evidence:

- **premature deaths** due to motor vehicle air pollution – cost between \$1.1 and \$2.6 billion
- **congestion costs** in our capital cities is estimated to soar to \$20.4 billion by 2020
- **direct gross cost of physical inactivity** to the Australian health budget is \$1.49 billion
- **greenhouse gas saving** of 8 million/year (at \$40/tonne) of those cycling to work in 2006.⁹

⁶ Mr Roth, Transcript 21 August 2013: 27

⁷ See Department of Health, Submission 60: 1 and <http://www.tmr.qld.gov.au/Projects/Name/S/South-East-Queensland-Principal-Cycle-Network-Plan.aspx> [28 Oct 2013]

⁸ Cycling Promotion Fund, 2008, Economic Benefits of Cycling for Australia: 7

⁹ Cycling Promotion Fund, 2008, Economic Benefits of Cycling for Australia

2.2 Cycling participation

As a result of governments around the world becoming more aware of the extensive benefits of cycling, they are setting targets to inform their efforts to facilitate and promote cycling as a desirable form of transport. The Queensland Government has set a target to “double cycling’s share of commute trips to work by 2021, and tripling these trips by 2031.”¹⁰ Queensland, along with other Australian states and territories, is starting from a very low base with a significantly lower cycling participation rate compared with most overseas countries. The 2011 Census indicates that the state-wide level of utility cycling was only 1.3%.¹¹

There are a number of reasons given by people for why they do not cycle. In a 2011 survey respondents provided the following main reasons for not cycling:

- unsafe road conditions – 67.1%
- speed/volume of traffic – 52.5%
- lack of bicycle lanes/trails – 48.1%
- weather conditions – 44.3%
- destinations too far away – 36.7%
- no place to park/store a bicycle – 26%
- don’t feel safe riding – 25.3%
- too hilly – 23.4%
- don’t like wearing a helmet – 16.5%.¹²

A number of the factors reported to affect participation rates can be addressed by improved infrastructure, amendments to the Queensland road rules (QRR) and education and awareness campaigns. It can also be understood from these survey results that in order to maximise the benefits of cycling and increase participation rates it is necessary not only to make cycling safer but also to **improve people’s perception of safety**.

2.3 Cyclists - vulnerable road users

Undeniably, cyclists are **inherently more vulnerable** than motorists due to the lack of protection offered by the vehicle and the fact that they are frequently in close proximity to larger and faster motorised vehicles. Unfortunately this means cyclists involved in a crash or fall can be seriously injured or even lose their lives. Australia’s cyclist fatality and serious injury rates are several times higher than world best practice. It is estimated that in Queensland cycling accounts for 1% of daily trips while cyclists account for 3.6% of state road fatalities; 5% of road crashes and approximately 15% of serious road injuries. Between 2003 and 2013 Queensland reported the second highest share of total national cyclist fatalities across Australian states and territories.¹³

Serious cycling injuries and fatalities have immense personal consequences and significant social, economic and health costs. However, the overall **relative risk of cycling is insignificant** compared to the impact of inactivity in the population. A discussion paper, prepared for the Commonwealth Department of Health and Aged Care and the Australian Sports Commission in 2000, estimates that

¹⁰ Queensland Government, Queensland Cycle Strategy 2011-2021: 6

¹¹ See the statistics section of this Report for a more detailed analysis.

¹² National Heart Foundation and Cycling Promotion Fund, Riding a Bike for Transport:2011 Survey Findings: 5 <http://www.heartfoundation.org.au/SiteCollectionDocuments/Cycling-Survey-2011-Riding-a-Bike-for-Transport.pdf> [16 Nov 2013]

¹³ See the statistics section of this Report for a more detailed analysis.

inactivity contributes to the risk of in excess of 8000 deaths per year.¹⁴ The Townsville Bicycle Users Group (BUG) accordingly submits:

*Given this, the small size and resulting unlikelihood of bicycles causing injury to others as well as the Environmental, Health, Economic and Community connectivity benefits related to cycling there is every reason to encourage an increase in bicycle use by infrastructure, campaigns and laws that recognize the responsibility of motor vehicle users to be considerate and aware of vulnerable road users.*¹⁵

2.4 Cyclists - legitimate road users

It has become clear to the Committee that cyclists **are often not perceived to be legitimate road users** by other motorists and that this, along with a lack of understanding about what cyclists are, and are not allowed to do, on the road and on footpaths, generates a considerable amount of tension between cyclists and motorists. Motorists failing to 'share the road' leads to cyclists 'claiming the lane' generating greater levels of hostility in the same way that cyclists running red lights at intersections deems them 'rule breakers' generating even more antagonism.

The Committee is deeply concerned by the levels of antagonism and aggression, both verbal and physical, evidenced between road users and is further concerned that this antipathy appears to be escalating. The Committee has discussed this issue in the section of the Report entitled "the psychology of intolerance" and believes that a comprehensive education and awareness campaign is required to help break the intolerance cycle and encourage more people to cycle.

2.5 Report conclusions

The **guiding principles** applied by the Committee in the formulation of the recommendations in this Report include:

- reducing cycling injury and fatality rates on Queensland roads through the physical separation of cyclists from motorists wherever possible and making specific provision for cyclists where physical separation is not possible
- increasing cycling participation rates and 'normalising' cycling as a mode of transport
- increasing the acceptance of cyclists as legitimate road users and impressing on all road users their obligations to 'share the road'
- 'humanising' the image of cyclists in the eyes of other road users, thereby overcoming the often harmful consequences of cyclists being considered 'outliers'
- providing increased protection for all vulnerable road users.

The Committee has taken a **broad interpretation of the terms of reference** provided in the referral from the Legislative Assembly and made recommendations on a wide-range of matters in an attempt to comprehensively address the issues related to improving cyclist safety and the interaction between cyclists and road users. These recommendations encompass the following:

- amendments to the QRR, including the introduction of a minimum overtaking distance (MOD)
- a proposed new criminal offence for causing serious injury or death to a vulnerable road user
- amended penalties and sanctions for breaches of the QRR
- the development of road and cycling infrastructure which meets best practice standards

¹⁴ [http://www.health.gov.au/internet/main/Publishing.nsf/Content/health-publth-publicat-document-phys_costofillness-cnt.htm/\\$FILE/phys_costofillness.pdf](http://www.health.gov.au/internet/main/Publishing.nsf/Content/health-publth-publicat-document-phys_costofillness-cnt.htm/$FILE/phys_costofillness.pdf) [18 November 2013]: vii

¹⁵ Submission 32: 2

- a comprehensive suite of education and awareness strategies
- establishment of a lead agency on cycling to provide oversight, management and coordination of cycling related matters on behalf of the Queensland Government.

2.6 Implementation

There are numerous ‘players’ in the provision of cycling infrastructure, law, safety and promotion in Queensland including:

- state government departments: the Department of Transport and Main Roads (TMR), the Department of State Development, Infrastructure and Planning, and the Department of Local Government, Community Recovery and Resilience
- local governments across the State
- state and national cycling associations and organisations
- National bodies such as Austroads
- motoring associations such as RACQ
- the road safety research community (including CARRS-Q).

The Committee notes that the Queensland Bicycle Council was established in 2010 to provide advice to government on the development and implementation of the *Queensland Cycle Strategy 2011-2021*; to encourage a coordinated and integrated government approach to cycling in Queensland; and to provide stakeholders from government and the cycling community with the opportunity to provide input into decisions made by government. The Council received financial and secretarial support from the Department of Transport and Main Roads (TMR).¹⁶

However, TMR has advised the Committee that “the Queensland Bicycle Council ceased operation in 2012 and no longer oversees the implementation of the Queensland Cycle Strategy” and that TMR is “the lead agency for cycling in the context of transportation.”¹⁷

2.6.1 Committee comment and recommendation

It is the Committee’s view that improvements in the safety of cyclists and in the interaction between cyclists and other road users will only be achieved if all stakeholders work productively together in a coordinated way towards a shared vision.

The Committee considers the Queensland Cycle Strategy 2011-2021 to be a relevant and comprehensive vehicle for delivering Queensland’s cycling vision. However it is concerned that the lack of a lead agency responsible for co-ordination between government agencies and input from cycling stakeholders will severely limit the effectiveness of the Strategy. The Committee is also concerned that many of the recommendations it has made in this Report will need to be implemented by various state government agencies, as well as local governments, and that their effectiveness will be limited if there is no officially designated, lead agency on cycling to oversee their implementation.

The Committee is therefore recommending that the lead agency status of the Department of Transport and Main Roads be extended beyond its current responsibilities to ensure it is responsible for the oversight and coordination of all of the State Government’s cycle-related strategies and initiatives. As the lead agency on cycling, TMR should engage with and coordinate all key stakeholder agencies and organisations in the implementation of the Queensland Cycle Strategy 2011-2021 and have responsibility for overseeing the implementation of the recommendations made by the Committee.

¹⁶ <http://www.tmr.qld.gov.au/Travel-and-transport/Cycling/Queensland-Bicycle-Council.aspx> [15 Nov 2013]

¹⁷ TMR correspondence 14 Nov 2013: 1-2

While individual state government agencies will still be responsible for delivering policy and undertaking their individual functions, TMR would take responsibility for coordination and strategic oversight, as well as ensuring that actions are taken in a timely manner.

Recommendation 1

The Committee recommends that the Department of Transport and Main Roads be provided lead agency status, and be appropriately resourced, to provide oversight, management and coordination of all cycling related matters for the Queensland Government, including implementation of the *Queensland Cycle Strategy 2011-2021* and of the recommendations made by the Committee in this Report.

3 Cycling statistics¹⁸

3.1 Cycling participation

3.1.1 Analysis of cycling participation statistics

Whilst all levels of government in Australia and Queensland have developed cycling strategies which aim to increase cycling participation and active transport rates, cycling participation rates remain relatively low by international standards. There is little national data on active transport and cycling trips/distances, however a number of studies have indicated that compared to travel by motor vehicle, cycling participation as a mode of transport is low while participation for recreational and exercise purposes is higher.

For example, the Austroads/Australian Bicycle Council Biannual Cycling Participation Survey 2013 found that in Queensland:

- 17% of residents ride a bicycle in a typical week and a further 35.4% had done so in the past year.
- less than a quarter of residents said they had NOT ridden a bicycle at all in the past year.
- of those residents who had ridden a bicycle in the past week, the majority (14.4%) had done so for recreation or exercise compared to only 5.3% who had done so for transport purposes.¹⁹

These figures are consistent with national average rates across all Australian states and territories and have also changed little between the 2011 and 2013 survey periods.

Cycling participation figures are also available for South East Queensland (SEQ) from 1992 from the TMR Household Transport Surveys. This data identifies cycling mode share, by looking at what modes of transport are used for travel purposes. The last completed Household Transport Survey (2009) shows that between 1992 and 2009, cycling consistently made up 2% of the total transport used for trips in South East Queensland. The survey has not however been conducted since 2009.²⁰

The above data is roughly consistent with Australian Bureau of Statistics (ABS) Census of Population and Housing data which shows that in 2011, 1.1% of respondents aged 15 and over who travelled to work in Queensland on Census day, cycled to work (compared to 1.1% in 2006, and 1.3% in 2001). Census data also reveals that as a method of travel to work, there has in fact been an increase in cycling numbers in SEQ between 2006 (0.9% of all trips to work) and 2011 (1.0% of all trips to work).²¹ Consistent with population growth over the period the actual number of cyclists, particularly in SEQ, has also grown.

¹⁸ Unless specifically referenced, all graphs and tables in this section, have been generated using data sourced from Australian Government's Department of Infrastructure and Regional Development 'Fatal Road Crash Database', TMR WebCrash Database, Queensland Injury Surveillance Unit and Australian Sports Commission 'Exercise, Recreation and Sport Survey' (ERASS).

¹⁹ Austroads, Australian Cycling Participation Survey, October 2013

²⁰ TMR Response to QoN 24 July 13: 4-5

²¹ ABS 2011 Census of Population and Housing

Figure 1: Cycling as a mode of travelling to work

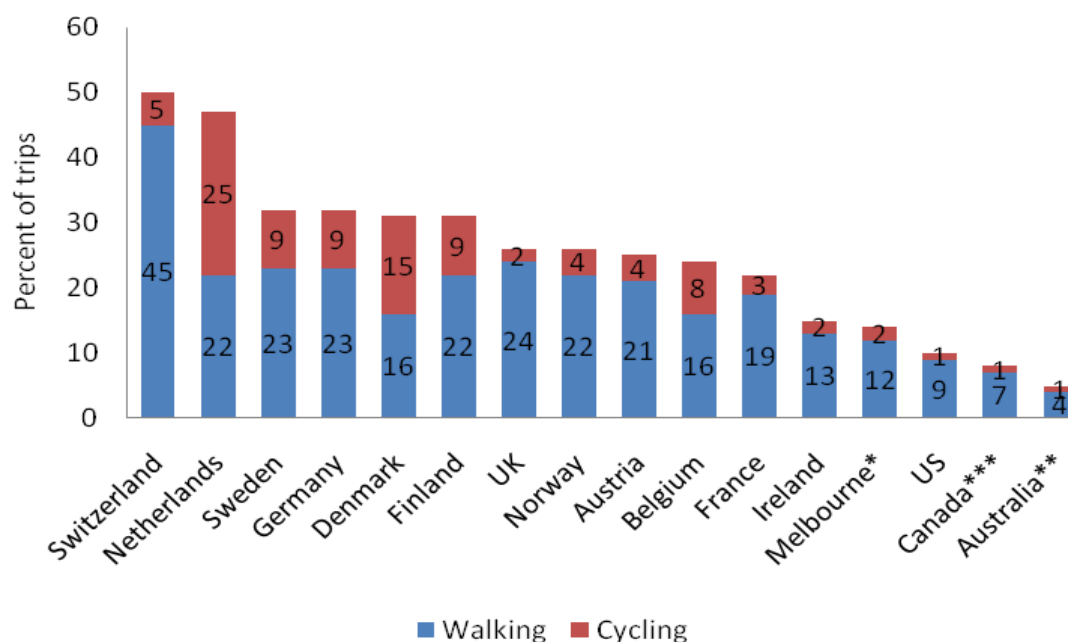
Mode of Travel to Work - Queensland			
Year	Number	% of all trips to work	Change from previous year
2011	21,646	1.1	+1,011
2006	20,083	1.1	-167
2001	20,250	1.3	-196
1996	20,446	1.4	
Mode of Travel to Work – South-East Queensland			
2011	13,561	1.0	+1,791
2006	11,770	0.9	+1,408
2001	10,362	1.0	+930
1996	9,432	1.0	

Source: Australian Bureau of Statistics, Census of Population and Housing 2011; 2006; 2001; 1996

International comparative data further substantiates the claim that Australia experiences relatively low rates of cycling as a mode of active transport. Figure 1 below shows large differences between Australia, the United States, Canada, and European countries in the cycling share of trips, ranging from a low of 1% in Australia, the United Kingdom, and the USA to 27% in the Netherlands.

These differences in the cycling share of trips roughly parallel differences in the average distance cycled per person per day, an alternative way of measuring and comparing cycling levels among countries. Whilst Australian data on this statistic is relatively poor and inconsistently collected, international comparisons show that Australian states and cities generally show cycling, as a share of travel/trips and kilometres travelled, significantly lower than that of even the least cycle-oriented cities in the Netherlands, Denmark, and Germany.

Figure 2: Cycling and walking shares of urban trips



*All trips (VISTA 2007), **Journey to work (2006 Census), ***Work trips only
 (Sources: adapted from Bassett et al 2008; Ironmonger 2008; Bartley Consulting Pty Ltd 2008)

3.1.2 Cycling targets

A number of submitters highlighted that Queensland continues to demonstrate low cyclist participation rates despite very strong targets and commitments across various levels/agencies of government to increase cycling participation and active transport rates.

The following provide examples of cycling targets for Queensland since 1995:

- TMR “Integrated Regional Transport Plan for South East Queensland” (1997): Increase cycling trips from 2% to 8% of trips by 2011.²²
- Austroads “Australia Cycling - The National Strategy 1999–2004” (1999): Double bicycle use by the year 2004.²³
- TMR “Queensland Cycle Strategy” (2003): increase the proportion of all trips made by bicycle by an additional 50% by 2011 and by 100% by 2021 which requires increasing the transport mode share of cycling from approximately 3 % to around 6% by 2021, as a state average.²⁴
- Brisbane City Council (BCC) “Transport Plan for Brisbane 2006-2026” (2006): Increase cycling trips from 2% to 5% by 2026.²⁵
- Austroads “National Cycling Strategy 2011-16” (2010): double the number of people cycling in Australia by 2016.²⁶
- TMR “Queensland Cycle Strategy 2011-2021” (2011): double cycling’s share of commute trips to work by 2021, and triple these trips by 2031 which will mean a 180% increase in the number of weekday work trips by bicycle (the strategy notes that in 2006 1.4% or 21,000 commuter cycle trips were made per day; the target implies achieving a growth to 2.8% or 56,000 commuter cycle trips were made per day).²⁷

Concern was expressed across stakeholder groups that there is little to no accountability on government agencies or Ministers to actually report on and meet these targets and as such strategies and programs targeting cycling participation and safety are neither rarely evaluated nor fully implemented.

Dr Richard Bean noted in his submission that:

*The Queensland government often states that they want people to cycle more and sets targets, but on the other hand sets up many barriers to greater cycling participation and encourages trips by car. The targets are never met and are frequently forgotten about. No kind of “historical review” is ever performed.*²⁸

In reference to the Queensland Cycle Strategy 2011-2021 targets, the Brisbane Central Business District (CBD) BUG submitted:

In seeking to achieve such low growth rate of commuter cycling we regard these targets as hopelessly unambitious and indicative of lack of genuine commitment. Current growth rates will not even meet these low targets.

*The baseline against which progress towards the target will be measured is the 2006 level of 1.4% of commuter cycle trips per day. According to the data obtained through the ABS 2011 Census Queensland’s state-wide level of utility cycling was 1.3%, indicating nil progress has been made towards achieving the strategy’s target.*²⁹

²² TMR, Integrated Regional Transport Plan for South East Queensland 1997: 20

²³ Austroads, Australia Cycling - The National Strategy 1999–2004: 6

²⁴ TMR, Queensland Cycle Strategy 2003: 2 & 13

²⁵ BCC, Transport Plan for Brisbane 2006-2026: 10

²⁶ Austroads 2010: 5 & 20

²⁷ TMR, Queensland Cycle Strategy 2011-2021: 21

²⁸ Submission 81:2-3

²⁹ Submission 90:3

3.1.3 Committee comment and recommendation

The Committee notes cycling participation in Queensland is generally regarded as being low by international standards but that after several decades of declining rates of cycling for transportation purposes (as opposed to social and recreational purposes), there are some indications that cycling as a mode of transport, particularly in South-East Queensland, has been increasing at least in terms of numbers if not per capita rates.

The Committee is concerned that cycling participation is neither consistently nor well measured in Queensland or Australia.

Recommendation 2

The Committee recommends the Minister for Transport and Main Roads investigate robust mechanisms for measuring bicycle participation and mode of transport share in Queensland to support already established targets and inform a business case for bicycle program investment.

3.2 Short and long term trends in bicycle injuries and fatalities

3.2.1 Analysis of injury and fatality statistics

For Queensland the main source of road incident and fatality data is the Federal Government's Department of Infrastructure and Regional Development 'Fatal Road Crash Database'.³⁰ TMR also collects data on reported road and traffic incidents from various sources including the Queensland Police Service (QPS) and Queensland Health.³¹

Road user (and other) injuries for Queensland residents is collected by the Queensland Injury Surveillance Unit (QISU) who collect data from emergency departments at participating hospitals across Queensland (29) reporting across a time period from January 1999 to December 2011.³² This data is estimated to represent approximately one quarter to one fifth of all emergency department injury presentations in the state.

Queensland also benefits from the assistance of the Centre for Accident Research and Road Safety – Queensland (CARRS-Q), one of the leading centres in Australia dedicated to research, education and outreach activities in road safety, and is a vital player in the international pursuit of road safety.

Referencing these and other sources, the following conclusions can be drawn in relation to short and long term trends in bicycle injuries and fatalities:

- In trend terms, the incidence of cyclist fatalities in Queensland has remained relatively constant over the past 10 years (2003-2012). Between 2003 and 2013 Queensland reported the second highest share of total national cyclist fatalities across Australian states and territories;

Figure 3: Number of Cyclist Fatalities (Actual)

Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013*
Australia	26	43	41	39	41	28	31	38	34	33	40
Queensland	7	9	5	9	10	7	8	7	9	10	9

* Year to date (as at 31 October 2013)

³⁰ Department of Infrastructure and Regional Development

www.bitre.gov.au/statistics/safety/fatal_road_crash_database.aspx

³¹ TMR WebCrash Database www.webcrash.transport.qld.gov.au/webcrash2/

³² Queensland Injury Surveillance Unit www.qisu.org.au

- Whilst the number of cyclist fatalities in Queensland is fairly small (average 8 per year between 2003 and 2012) compared with that of motor vehicles (driver and passenger 10 year average of 141 per year), cyclist fatalities have increased as a proportion of total state vehicle related fatalities over the past 10 years; this trend may however be attributable to an apparent³³ increase in bicycle participation over the same time period;
- However, as highlighted in a recent Courier Mail article, 2013 looks set to be the worst year on record in terms of national cycling fatalities:

*With seven weeks still to go, 46 cyclists are dead, a national spike of 42 per cent and a third up on the ten year average... Just in the last month, three cyclists died on Sydney roads, and two in Queensland. Victoria and South Australia had one each.*³⁴

The Federal Government's Department of Infrastructure and Regional Development 'Fatal Road Crash Database' which was used to prepare the statistics in this Report, is updated monthly and as such does not yet reflect these additional fatality statistics. When updated, Queensland and NSW will have both recorded their worst year for 'state' cycling fatalities.

- When considering cyclist fatalities it is also relevant to consider it in context with international statistics: Australia has a relatively low overall road fatality rate of 6.8 fatalities per 100,000 people, world's best practice is 3.8 fatalities per 100,000 people. However Australia's cyclist fatality and serious injury rates are several times higher than world best practice: on rough estimates cycling accounts for approximately 1% of daily trips in Australia, but cyclists account for more than 3% (3.6% in 2012) of state road fatalities; 5% of road crashes and approximately 15% of serious road injuries.
- By comparison, the Netherlands enjoys one of the highest rates of cycling in the developed world (27% of daily trips) but also has the lowest cyclist injury and fatality rates (1.1 fatalities per 10 million kilometres travelled; 14 serious injuries per 10 million kilometres travelled). In the Netherlands, whilst cycling participation has increased, fatalities and serious injuries have actually decreased at a rapid rate (for example, a 60% decrease in cyclist fatalities since 1975).³⁵
- Children and young people (0-17 years) represented an average of 16% of annual cycling-related deaths between the years of 2004 and 2012. The Queensland Child Death Register has identified that there have been 12 bicycle-related deaths of children and young people over this time period. All of the children and young people were male, 11 (91.7%) involved a collision with another vehicle, an equal share of incidents occurred across low traffic and high traffic areas and across areas of variable speed zones.

As the Commission for Children and Young People and Child Guardian indicated in their submission:

In a large number of cases, the young cyclists were engaging in intentional risk-taking behaviour while others were unintentionally increasing their risk due to lack of riding experience and/or non-adherence to road rules]... such as unexpectedly crossing roads without waiting for traffic to clear, riding at night in poorly lit areas or riding on the wrong

³³ As previously indicated specific data in relation to cyclist participation, cyclist trips and distances travelled is not available for Queensland making it difficult to ascertain the relationship between cyclist fatalities and participation.

³⁴ The Courier-Mail, Death spike: why cyclists are dying twice as fast on our roads, November 15, 2013, <http://www.couriermail.com.au/news/national/death-spike-why-cyclists-are-dying-twice-as-fast-on-our-roads/story-fnihlxi-1226760958780> [15Nov 2013]

³⁵ <http://www.abc.net.au/environment/articles/2011/09/08/3312420.htm>

side of the road. None of the incidents featured a motorist who was considered criminally responsible for the death of the child or young person.³⁶

- Whilst the actual number and rate of incident between heavy vehicles and cyclists is lower compared to the number and rate of incident between cyclists and standard motor vehicles, statistics on road injuries and fatalities points to the fact that incidents involving heavy vehicles more frequently result in more serious injury to the cyclist, and higher frequency of cyclist fatality. Over the past decade (2003-2013) an average of 21% of all cyclist fatalities involved a heavy vehicle (Articulated Truck, Rigid Truck or Bus). Relative to the ten year average for other road user categories (motor vehicles 23%; motorcycles 8.5%; and 16.6% of pedestrians) it indicates that cyclists are exposed to greater risk of more serious injury and fatality in the case of heavy vehicle incidents. However excluding 2013 cyclist fatalities³⁷, the overall trend for road fatalities involving heavy vehicles shows a relatively consistent growth across all road user classes (that is, across drivers, passengers, motorcycle drivers and pedestrians) which may be explained by general growth in heavy vehicles and other traffic/groups using the roads.
- Based on QISU data, nearly half (44.4%) of cycling related injuries occurred on a roadway, representing approximately 5% of all transport related injuries presenting to emergency departments between 1999 and 2012.

Figure 4: Cycle related crashes presenting to hospitals: Total 1999-2012³⁸

	Total Number	% of all Cycle	% of all Transport
On road	1571	44.4%	5.1%
Bicycleway	246	7.0%	0.8%
Footpath	159	4.5%	0.5%
Other/Unspecified	1560	44.1%	5.1%
Total cycle related injuries	3536	-	11.5%
All Transport related injuries	30764	-	-

Whilst the majority (78.3%) of cycling related injuries presenting to hospital emergency were as a result of a “fall”, 13% of injuries involved a collision with a motor vehicle.³⁹

- There is significant evidence that collision with a motor vehicle increases the severity of the injury: 13.7% of cases involving collision with a motor vehicle required resuscitation or emergency treatment compared to 3.4% of injuries involving a fall.⁴⁰
- The Brisbane CBD BUG also submitted evidence that motorists are largely to blame for crashes involving cyclists:

[A] report published by CARRS-Q in 2010... found that crashes involving bicycles and motor vehicles comprised 93.4% (n= 6,328) of police-recorded bicycle crashes. Of these crashes motorists were deemed to be at fault in 65.6% of the incidents. Significantly, when the motorist was at fault traffic violations were recorded in 85.4% of crashes.⁴¹

³⁶ Submission 83:4

³⁷ Nearly half (42.9%) of the fatalities this calendar year (as of September 2013) have involved a heavy vehicle.

³⁸ Submission 87: 4

³⁹ Submission 87: 7

⁴⁰ Submission 87: 14

⁴¹ Submission 90: 20-21

Figure 5: Number of Cyclist Fatalities 2003-2013 - National and Queensland

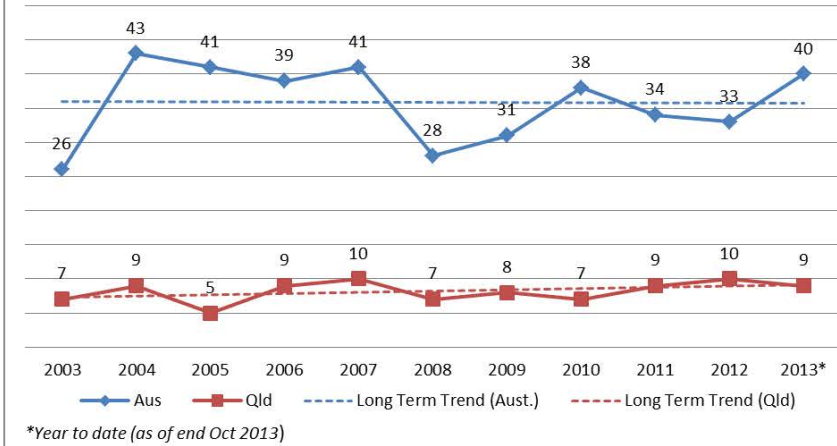


Figure 6: Cyclist Fatalities in Queensland 2003-2013 (as % of total state road fatalities)

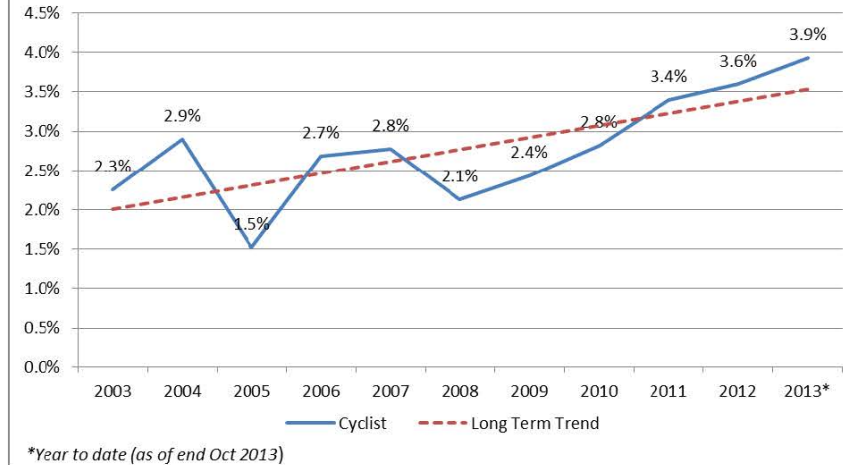


Figure 7: Cyclist Fatalities Rates Compared to Cyclist Participation Rates

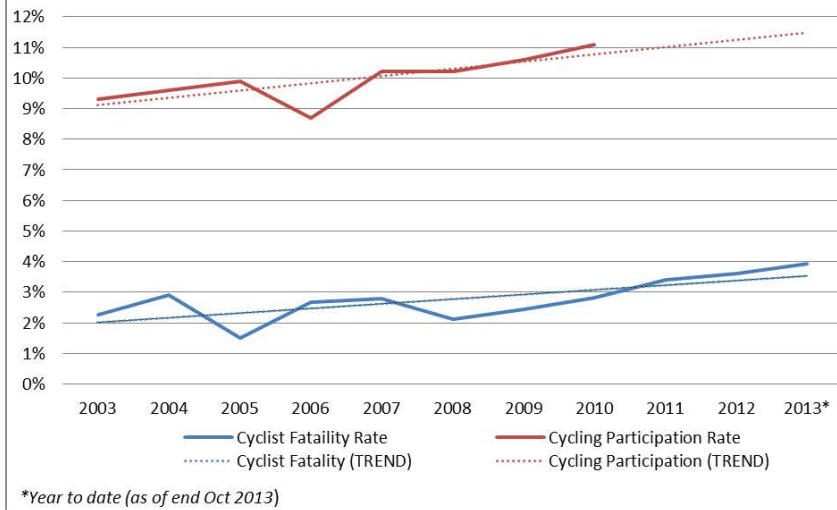


Figure 8: Cyclist Fatalities by State 2009-2013 (as % of National Total)

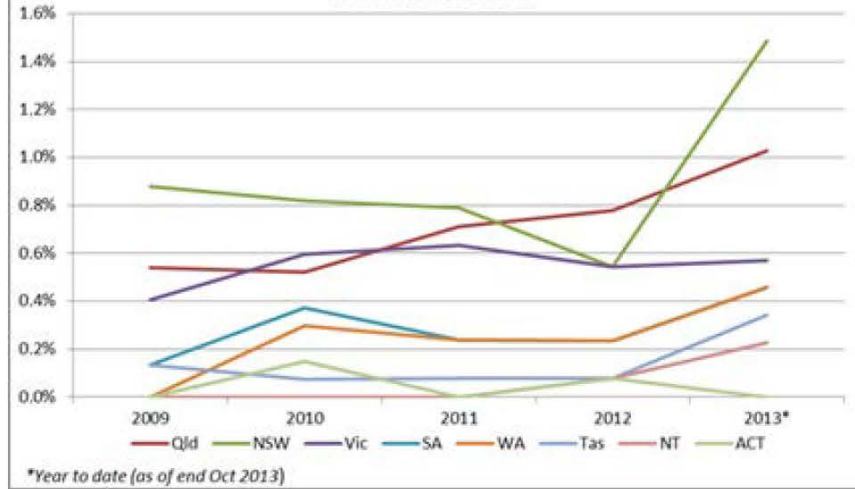


Figure 9: Nature of Cyclist Reported Injuries 1999-2012
(as % of total cyclist injuries presenting to hospital)

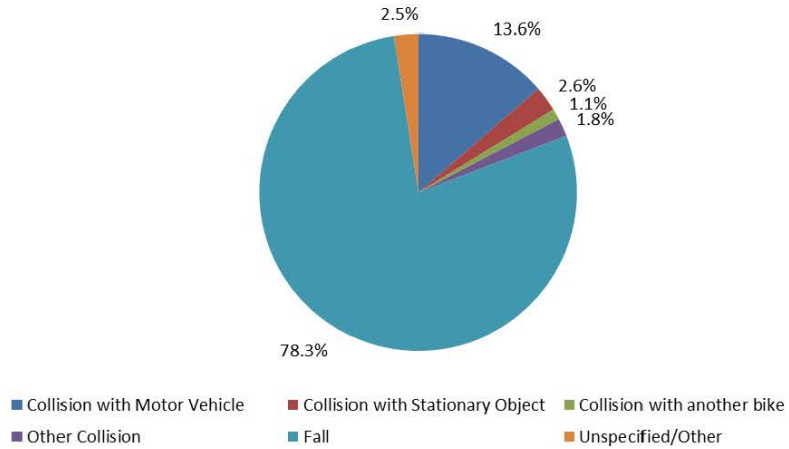


Figure 10: Road Fatalities in Queensland
(as % of total state road fatalities)

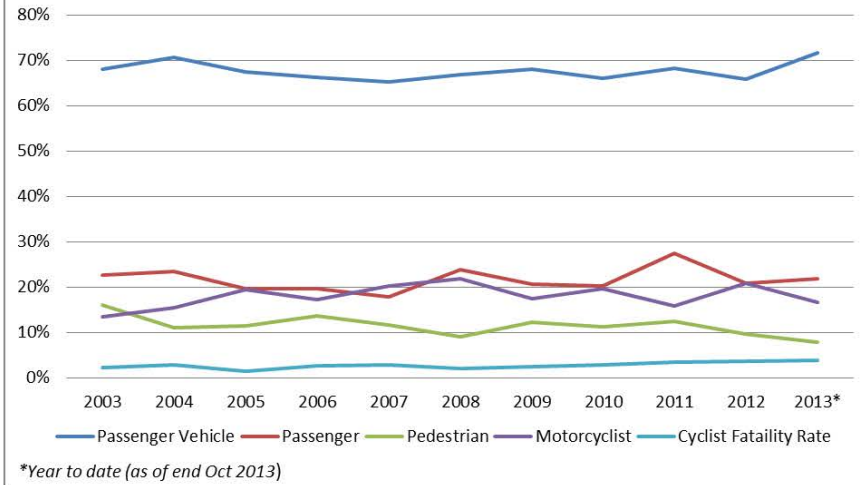


Figure 11: Road Fatalities Involving a Heavy Vehicle
(as % of overall state road fatalities)

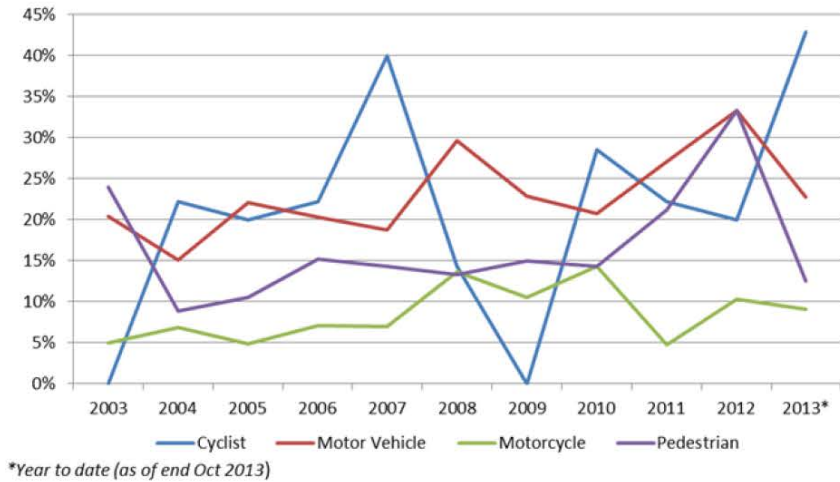
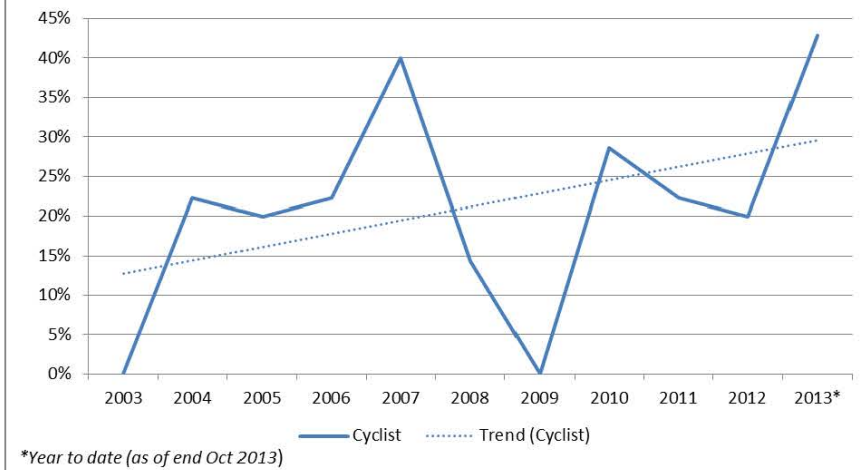


Figure 12: Cyclist Fatalities Involving a Heavy Vehicle
(as % of overall state road fatalities)



3.2.2 Quality and reliability of data

As a number of submitters have indicated, the quality of data, injury data in particular, is poor and this makes the measurement and analysis of trends for cycling difficult.⁴² Key issues noted across submissions and of key relevance to this Inquiry include:

- The small number of cyclist injuries actually reported. Studies have estimated that only approximately 11-13% of bicycle injuries involving other motor vehicles and/or people are recorded by QPS and that as little as 3.5% of crashes are reported in crash data with an over-representation of more serious crashes.⁴³
- The lack of consistency in reporting parameters with multiple surveys and data sources using different statistical terminology, reporting timeframes and categories of injury type.
- The lack of information about actual cycling participation rates during data collection periods, making it impossible to analyse cycling injuries and fatalities in the context of cyclist population size and participation rates.⁴⁴

Lack of consistent and poor quality data, particularly in regards to injury trends makes the task of improving cycling safety difficult. In the absence of robust participation, injury and incident data it can be difficult to determine safety issues and solutions and even more difficult to evaluate outcomes of cycling safety programs.

This view is supported by Townsville BUG who noted that:

*...the number of bicycle-related deaths is fairly small compared with that of motor vehicles (driver and passenger). However these figures do not take into consideration the apparent increase in number of motor/heavy vehicle and cyclist related incidents resulting in injury to the cyclist. Nor the incidents of 'close calls' which have seen the popularity of the bicycle mounted video camera on the rise so as to record events for further action. It is worth noting that many incidents go unnoticed as the person has to be injured, with value of property damage greater than \$2500 (other than to the vehicle) or at least 1 vehicle towed. Many cyclists do not report injuries because insurance is rarely involved and they are too startled at the time.*⁴⁵

3.2.3 Committee comment and recommendations

Whilst the number of bicycle-related deaths in Queensland is relatively small compared with that of other motor vehicles, the Committee considers that many cyclist fatalities, especially those involving motor vehicles, may be preventable. The Committee further notes that while the actual relationship between cycling rates, injury rates and safety risk is largely unknown it appears from the evidence that the severity of injury and risk of fatality substantially increases for on-road bicycle use and/or where a motor vehicle is involved.

Consistent with the multiple health, environmental, transport and community benefits of a mode shift from car use to cycling, policies and strategies for increasing cycling participation across all levels of government should be actively pursued. The Committee therefore considers it important that the substantial benefits of increased levels of cycling are not diluted by increased injury rates.

Accordingly the Committee supports actions which increase both the prevalence and safety of cycling in Queensland.

⁴² Submissions 32, 58, 85, 87, 80, 87

⁴³ CARRS-Q, Monograph 5: Bicycle helmet research, November 2010: 25

⁴⁴ Submission 58: 18

⁴⁵ Submission 32: 2

The Committee also firmly believes that programs aimed at improving cycling participation and safety must be underpinned by robust mechanisms for program evaluation and assessment. The Committee is recommending that the Queensland Government investigate methods for improving the reporting of cyclist incidents and injuries as well as cyclist participation baseline data.

Recommendation 3

The Committee recommends that the Department of Transport and Main Roads work with other relevant agencies to address the current lack of centralised data collection and reporting for on- and off-road cyclist injuries and fatalities.

Recommendation 4

The Committee recommends that the Department of Transport and Main Roads, in partnership with key stakeholders, explore mechanisms to encourage and facilitate bicycle-related incident reporting, particularly where safety issues and potential breaches of the Queensland road rules are involved.

Recommendation 5

The Committee recommends that the Department of Transport and Main Roads develop a strategy to better document the incidence of bicycle-related injuries on roads in order to target appropriate interventions more effectively.

4 Queensland road rules (QRR) review

4.1 Overview of the QRR framework

The QRR are contained within the *Transport Operations (Road Use Management) Road Rules Regulation 2009*. The Committee has examined the existing QRR and looked at other alternative road rules, with particular regard to how they govern the interaction between cyclists and other road users.

The Committee has made a number of recommendations to modify, remove or introduce new road rules. When considering each recommendation the Committee aimed to improve the safety and legality of vulnerable road users and to improve the interaction between cyclists and other road users, and was especially cognisant of the need to balance the various interests of all road users.

The QRR generally apply to cyclists in the same way as they apply to drivers. A reference to a 'driver' generally includes a cyclist. If a particular rule does not apply to cyclists, or applies only to particular kinds of cyclist, this is stated in the rule. Further, when a 'vehicle' is referred to in the QRR it includes a bicycle.

A number of submitters contended that the QRR give greater preference to motor vehicles, reinforcing a notion that motorists have greater right to use the road network than cyclists.

The Brisbane CBD BUG believes that Queensland's rules are overwhelmingly 'car-centric' (that is, have a bias towards motor vehicles) and suggested there is a link between these 'cyclist-hostile' rules and the primary reason why people say they do not cycle, which is that they are concerned about their safety.⁴⁶

David Russell submitted:

*There are a number of the current rules that discriminate against people riding bicycles by giving them a lower status on the road than other road users. These rules create confusion by having one rule for those who drive a car, and, for no apparent reason, another for people riding bicycles. Some rules make riding a bicycle unnecessarily inconvenient.*⁴⁷

Examples include **QRR**:

Section 125 - Unreasonably obstructing drivers or pedestrians

Section 236 - Pedestrians not to cause a traffic hazard or obstruction

Section 253 - Bicycle riders not to cause a traffic hazard.

Equally the **Current Definition** for 'road' within the *TORUM Act* specifies that:

*(1) A road is an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of **motor** vehicles.*

It has also been noted that in a number of instances, pedestrians as more vulnerable road users are rightly provided specific safety provisions and afforded greater attention by motorists, whilst cyclists are largely ignored.⁴⁸ This is particularly the case for the numerous 'right of way' and 'give way' rules for motorists, cyclists and pedestrians.

⁴⁶ Submission 90: 25

⁴⁷ Submission 70: 2

⁴⁸ The majority of road rules make specific reference to 'vehicles' giving way or acknowledging the presence of 'pedestrians' and/or other oncoming 'vehicles'. While the broad definition under section 15 of the road rules defines a vehicle as '*including (b) a bicycle*', there is an argument that this is not widely understood by road users and accordingly have submitters recommend 'bicycle riders' to be specifically named across the relevant provisions.

Examples include QRR:

Section 72 - Giving way at an intersection

Section 73 - Giving away at a T-intersection

Section 74 - Giving way when entering road from a road related area

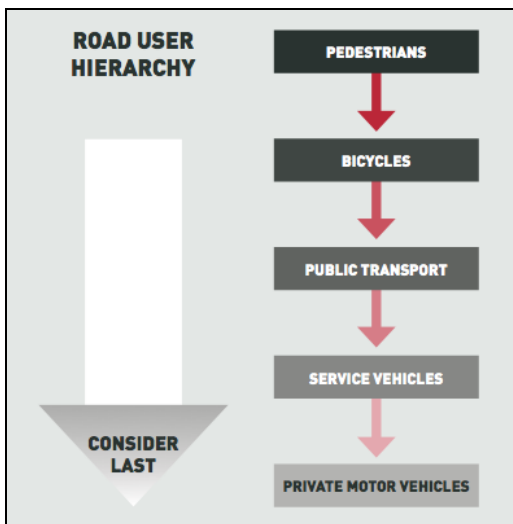
Section 81 - Giving way at a pedestrian crossing

Section 83 - Giving way to pedestrians in a shared zone

There was strong support throughout the Inquiry to ensure that the QRR clearly reflect a greater level of responsibility on the more powerful vehicle/road user to give due consideration to the more vulnerable road user, except where road rules and road provisions specify otherwise (for example, signalised intersections, signalised crossing).

A number of other jurisdictions achieve this by clearly defining a hierarchy of vulnerable road user within their relevant regulatory instruments and then referencing this across the broad range of road rules. For example, the Federal Government enacted a national road user hierarchy in 2011, which ensures priority is provided to vulnerable road users (in urban design and planning). It gives priority to pedestrians, then cyclists, public transport, service vehicles and finally to private motor vehicles.

Figure 13: Federal Government road user hierarchy



(Source: Commonwealth of Australia, Department of Infrastructure and Transport 'Walking, Riding and Access To Public Transport: Supporting Active Travel In Australian Communities – Ministerial Statement (2013): 31)

In the United Kingdom (UK), a similar vulnerable road user hierarchy applies and also gives priority to (in order of vulnerability):

- mobility impaired and wheeled pedestrians
- able pedestrians
- cyclists/recreational pedestrians
- service vehicles
- motorcycles
- motor vehicles and heavy vehicles.⁴⁹

⁴⁹ City of York Council. Local Transport Plan 2001

Rather than treating vulnerable road users as separate, Brisbane CBD BUG suggested that cyclists should be treated as legitimate road users and that *motor vehicles must give way to pedestrians and cyclists* and for this to be reflected on signs on residential roads and in schools zones.⁵⁰ They believe it would promote and encourage cycling as:

*... bicycle riders and other vulnerable road users would be encouraged by the inherent message that motorists must take every care when driving in proximity to bicycle riders, pedestrians and other vulnerable road users.*⁵¹

4.1.1 Committee comment and recommendations

The Committee appreciates the concern raised by a number of submitters that the Queensland road rules appear to reflect the needs of motorists over other road users. As a result of its review of existing rules, the Committee has made a number of recommendations that aim to improve the safety and legality of vulnerable road users and reduce conflict between vulnerable roads users and other road users.

The Committee is also recommending that the Minister for Transport and Main Roads undertake an exhaustive review of all Queensland road rules and definitions to ensure that where appropriate the most vulnerable road user is not only acknowledged but protected. This review should include Queensland road rules that refer to drivers giving way to pedestrians but do not specifically mention cyclists (especially in the situation where cyclists ride on footpaths and cross at intersections) and similarly any Queensland road rules which should specify that cyclists must give way to pedestrians.

The Committee is also recommending that the Minister consider the inclusion of a defined hierarchy of vulnerable road users within the relevant legislation and subordinate legislation as this may afford an opportunity for regulatory simplification across the Queensland Road Rules.

Recommendation 6

The Committee recommends that the Minister for Transport and Main Roads develop a “vulnerable road user hierarchy” policy which reflects and promotes the social, health, environmental and community benefits of increased modes of ‘active’ and ‘public’ transport over existing primary road user categories and that the hierarchy be adopted in the relevant planning instruments and transport infrastructure regulations.

Recommendation 7

The Committee recommends that the Minister for Transport and Main Roads review all relevant legislation and sub-ordinate legislation to ensure that road rules and definitions accurately and consistently recognise cyclists as legitimate road users and, where appropriate, amend road rules to reflect the general principle that all road users must acknowledge the presence of and give right of way to the more vulnerable road user (for example, motor vehicles giving way to cyclists and cyclists giving way to pedestrians).

⁵⁰ Submission 90: 1

⁵¹ Submission 90: 1

4.2 QRR review - minimum overtaking distance (MOD)

A report from the Australian Transport Safety Bureau found being hit from behind was the crash type that resulted in the highest number of bicycle rider fatalities.⁵² Legislative amendment, with supporting education and enforcement, to mandate a minimum overtaking distance (MOD) when drivers overtake bicycle riders is currently the single most important action needed to reduce bicycle rider fatalities according to extensive research reviewed by the Amy Gillett Foundation (AGF).⁵³

4.2.1 Current State Government policy

Queensland legislation does not currently include a specified MOD that must be allowed by a motorist when overtaking a bicycle. Section 144 of the QRR states:

QRR section 144 - Keeping a safe distance when overtaking

A driver overtaking a vehicle—

(a) must pass the vehicle at a sufficient distance to avoid a collision with the vehicle or obstructing the path of the vehicle; and

(b) must not return to the marked lane or line of traffic where the vehicle is travelling until the driver is a sufficient distance past the vehicle to avoid a collision with the vehicle or obstructing the path of the vehicle. Maximum penalty—20 penalty units (\$2,200).

(N.B the Regulation specifically states that a “vehicle” includes a bicycle.)

This provision requires ‘sufficient distance’ be provided in order to safely overtake a cyclist. However, ‘sufficient distance’ is a judgement that must be made by the individual motorist and the judgment is necessarily a subjective one. It is also clear from the number of fatalities, and indeed case law in relation to fatalities, that this subjective judgment of ‘sufficient distance’ is not providing the level of safety for a cyclist that was intended by the legislation.

A clear example of this is the case of Mr Richard Pollett in 2011. Richard was riding his bicycle on Moggill Road in Kenmore, Brisbane when he was killed as a result of the truck not providing adequate passing distance. The driver of the truck was accused of driving dangerously and causing the death of a cyclist. In May 2013, the Brisbane District Court jury returned a not guilty verdict and decided that it was reasonable that the driver presumed to have adequate space to pass the cyclist. The driver was freed without charge.⁵⁴

The outcome of this case clearly illustrates that the existing QRR and road awareness of the requirement to ‘estimate a safe overtaking distance’ are not sufficient to maintain the safety of cyclists.

There is an abundance of precedent for prescribed MODs in overseas jurisdictions.

4.2.2 Jurisdictions with a 1 metre or 1.5 metre rule

- 21 American states have implemented a 3 foot law as have many US cities
- Pennsylvania has a 4-foot passing law and Virginia has a 2-foot passing law
- Nova Scotia, a province of Canada, has a one metre clearance rule
- Netherlands has a one metre passing rule

⁵² AGF (2013). Minimum overtaking distance – AGF position, rationale and the evidence, www.amygillett.org.au, Release 1: 2

⁵³ AGF (2013). Minimum overtaking distance – AGF position, rationale and the evidence, www.amygillett.org.au, Release 1:2

⁵⁴ AGF (2013). Minimum overtaking distance – AGF position, rationale and the evidence, www.amygillett.org.au, Release 1: 3

- France has a one metre passing law in urban areas and 1.5 metres outside urban areas
- Portugal has a 1.5 metre MOD law
- Belgium has a one metre MOD law
- Spain has a 1.5 metre passing law when overtaking a two-wheeler or when a two-wheeler is passing a another vehicle
- Western Cape Province in South Africa has recently introduced a one metre passing rule.

United States (US)

Many of the 21 states in the US prior to the '3 foot law' had a rule that provided for 'due care' or 'sufficient distance' however, these laws were deemed to be ineffective in relation to the safety of cyclists. Most of the 3 foot laws were introduced without significant opposition and in some cases without any opposition at all. Many of the states also passed legislation in relation to 'vulnerable users' and 'permission to cross solid/double lines' in order to provide the MOD.

In a large portion of the US cases, the impetus behind establishing a MOD has been the death of a cyclist. This otherwise tragic situation has been used by states as an effective tool to bring about positive change. Testimony from family and friends who have lost loved ones have in many cases been crucial in both raising awareness and generating support.

In Arizona:

The idea of passing a 3 foot law gained ground when Tuscon cyclist Brad Gorman was struck and killed by a motorist attempting to pass him from behind at an unsafe distance. Under the law at the time, the driver who hit Gorman was fined \$66.⁵⁵

In Mississippi:

...the unfortunate death of John Paul Frerer in 2010...a high school student from Tupelo who was struck from behind and killed by a motorist while training for a triathlon.⁵⁶

None of the American states had accurately recorded before and after data to judge the effectiveness of the laws' implementation. However, a number of states reported enhanced levels of awareness when the law was accompanied by an appropriate education campaign. Interestingly, some states also passed 'anti-harassment of cyclist' laws aimed at preventing objects from being thrown at cyclists from motor vehicles.⁵⁷

Significantly, the laws that were deemed to have the greatest impact were those that had the support of multiple advocacy groups and government education campaigns. In some cases this included completely rewriting the state traffic rules manual and video training programs for police officers.

Netherlands

The Netherlands has a one metre MOD law enacted in addition to other measures including:

- reduced car access to city centres and creation of car free spaces
- expensive car parking in city
- construction of cycle paths and reducing road space for cars

⁵⁵ Voorhees, A., The 3ft. Law: Lessons Learned from a National Analysis of Sate Policies and Expert Interviews, Transport Centre, Rutgers, The State University of New Jersey, USA: 25

⁵⁶ Voorhees, A., The 3ft. Law: Lessons Learned from a National Analysis of Sate Policies and Expert Interviews, Transport Centre, Rutgers, The State University of New Jersey, USA: 25

⁵⁷ Voorhees, A., The 3ft. Law: Lessons Learned from a National Analysis of Sate Policies and Expert Interviews, Transport Centre, Rutgers, The State University of New Jersey, USA :43

- facilitating cycling through cycle network planning, road design, signalling, parking and enforcement
- reducing maximum speed on majority of urban areas to 30 km/h or less
- promoting cycling to encourage use of bicycles and discourage car use.⁵⁸

France

France's one metre passing law in urban areas and 1.5 metres outside urban areas is partly assisted by other legislation providing for a 'duty of care' by motorists towards vulnerable road users.⁵⁹

Spain and Portugal have legislated MODs of 1.5 metres, in Portugal the vehicle must also slow down when overtaking.⁶⁰

Nova Scotia and Belgium have legislated MODs of 1 metre.⁶¹

The Western Cape Provincial Government in South Africa introduced a one metre passing rule on 20 November 2013.⁶²

4.2.3 Jurisdictions considering a 1 metre or 1.5 metre rule

United Kingdom

In the UK, motor vehicles must provide cyclists, and other 'vulnerable' road users, *at least as much room as they would normally for overtaking a car.*⁶³

There have been several campaigns in recent years to amend the law and provide for a mandatory three feet (approximately one metre) passing rule for the United Kingdom. There was a '3 feet 2 pass' petition forwarded to the Office of the Prime Minister (no longer current) and currently a 'Share the Road' campaign/website and the '3 feet please' campaign/website.

Ireland

The Irish *National Cycle Policy Framework 2009-2020* has stated under Objective 2 regarding the urban road infrastructure that urban cycle networks will be designed to provide for a 'safe passing distance of 1.5m between motorised vehicles and bicycles.'⁶⁴

Canada

At the present time, it is only the province of Nova Scotia which has enacted legislation to ensure a motor vehicle must give at least one metre of clearance when passing a cyclist.

*Amendments to be introduced to the Motor Vehicle Act today, Nov. 15 2010, will require drivers to leave one-metre of open space between the vehicle and cyclists when passing.*⁶⁵

In 2012, the Ontario Office of the Chief Coroner's Report into the deaths of 129 cyclists in the province from January 2006 to December 2010, recommended the *establishment of a 'one-meter' rule for vehicles when passing cyclists.*⁶⁶

⁵⁸ Dutch Cycling Embassy, English brochure, Safety and Security, [28 June 2013]

⁵⁹ AGF (2013). Minimum overtaking distance – AGF position, rationale and the evidence, Release 1: 18

⁶⁰ AGF (2013). Minimum overtaking distance – AGF position, rationale and the evidence, Release 1: 17-18; OECD, Scientific Expert Group on the Safety of Vulnerable Road Users (RS7), Safety of vulnerable road users, [29 June 2013]

⁶¹ AGF (2013). Minimum overtaking distance – AGF position, rationale and the evidence, Release 1: 18-19

⁶² <http://www.westerncape.gov.za/news/safety-cyclists-and-blue-lights-regulations-announced>

⁶³ United Kingdom, Highway Code, Using the Road (159-203) Overtaking, Rule 163 [28 June 2013]

⁶⁴ Ireland, National Cycle Policy Framework 2009-2020, Objective 2 [28 June 2013]

⁶⁵ Nova Scotia, Province introduces bicycle safety legislation, 15 November 2010, [17 June 2013]

Notwithstanding the potential challenges of such legislation, the fact remains that a significant number – the majority, in fact – of cycling deaths in our Review that involved a motor vehicle occurred when the driver was attempting to pass the cyclist from behind. Often, the driver attempted to pass the cyclist without waiting for a gap in traffic in the adjacent or oncoming lane such that it would allow the driver to move to the left in order to afford the cyclist a safe distance when passing. In order to support and emphasize the need for drivers to allow of a safe distance when passing a cyclist, the OCCO recommends the introduction of a one-meter/three-foot rule.⁶⁷

In the province of Ontario a Private Members Bill was introduced providing for a distance of 3-5 feet depending on vehicle speed and although the First Reading was carried on 18 May 2010, the Bill has not progressed to the next reading stage.⁶⁸ It is believed the Bill has stalled with the dispersal of the Legislature.

In Canada, cycling associations/groups are advocating for legislatures in each province to pass three-foot overtaking rules.⁶⁹

South Australia

A private members bill prescribing a MOD of 1 metre for motorists not exceeding 60 km per hour and 1.5 metres for motorists exceeding 60 km per hour was introduced and read for a first time and second time on 3 July 2013.⁷⁰

4.2.4 Summary of views by submitters

- Approximately **63 submissions supported** the introduction of a MOD rule
- Approximately **5 submissions opposed** the introduction of a MOD rule

In addition, 6198 people have signed a parliamentary e-petition requesting that the Queensland Parliament enact legislation to modify existing regulations requiring that a motorist maintain a minimum safe distance of 1.5 metres between their vehicle and a cyclist whilst overtaking, with a 30 metre exemption at intersections to allow for filtering.

The overwhelming majority of submitters were clearly in support of a MOD.⁷¹ For example:

...largely have had little or no problems other than one recurring theme, that is motorist passing too close (on one occasion the motorist's side mirror struck a fellow cyclist – even though the other lane was free and we were as close to the gutter in single file as possible). I believe the "one metre" rule would assist in providing a good guidance for motorist what is safe. The greater the distance – the safer it is.⁷²

⁶⁶ Office of the Chief Coroner for Ontario. Cycling death review: 2012. Report into the deaths of cyclists in the province from January 2006 to December 2010 [28 June 2013]

⁶⁷ Office of the Chief Coroner for Ontario, Cycling death review: 2012. Report into the deaths of cyclists in the province from January 2006 to December 2010 [28 June 2013]

⁶⁸ Legislative Assembly of Ontario, Current Parliament, Bills and Lawmaking, Private Members Bill, Bill 74, Highway Traffic Amendment Act (Safe Passing Bicycles), 2010 [27 June 2013]

⁶⁹ <http://www.womenscycling.ca/blog/cycling-advocacy/3-feet-please-%E2%80%94-wear-your-protest-for-the-3-foot-safe-passing-law/> [14 November 2013]

⁷⁰ Legislative Council, Bill No. 159, Road Traffic (Overtaking Bicycles) Amendment Bill 2013, A Bill to amend the *Road Traffic Act 1961*

⁷¹ Support for minimum overtaking distance rule in some form: submissions: 4, 5, 13, 14, 16-18, 20, 22, 23, 25, 27-32, 35-37, 38-41, 44, 45, 48, 50, 51, 53-56, 58, 61-63, 65, 67, 68, 70-73, 75, 77, 78, 80-82, 85, 86, 90, 91, 93, 96, 97-99, 100, 102, 104 and 105

⁷² Submission 13:2

Mr Darren Spina stated in relation to the importance of the rule to have legal significance:

I would like to strongly encourage the enquiry to legislate the 1M passing rule between motorists and cyclists in QLD

I believe this would help to crystallise in the minds of people driving motor vehicles that they need to give cyclists at least 1M of room when passing as it is not only common sense and in the safety interests of cyclists but also the law.⁷³

Ms Debbie Breen touched on the humanising element and being able to identify with cyclists:

*Unless you ride a bike in traffic, you really have no understanding of how a **little** thing (1 metre) can mean a **big** difference to your safety on the road. Becoming a bike rider has helped me to understand what it was all about, and hopefully helps me to stay more focused and be more aware of cyclists/motor bikes who share the road with me when I am driving, because I know what it is like. Some ‘accidents’ can be avoided.⁷⁴*

Mr Richard Pollett was tragically killed as a result of a heavy vehicle passing too closely. Richard’s parents provided support for a minimum overtaking law:

We have heard arguments for and against minimum safe passing distance legislation. Our present position on this is that such legislation would be helpful, provided it is not generally applied punitively (in the same way that tail gating laws are not). Certainly professional drivers, including drivers of heavy vehicles, will then be cognisant of it. Had the driver of “our” cement truck applied his breaks, recognising that there was not sufficient clearance to pass lawfully, Richard would still be with us.⁷⁵

Despite the driver of the vehicle being found not guilty in Richard Pollett’s case:

We note that, in his address to the jury, the judge said ‘as a matter of objective fact it wasn’t safe to overtake’.⁷⁶

The majority of submissions in support of a MOD also emphasised the need for the law to be accompanied by an education campaign aimed at changing attitudes and culture.

Maurice Blackburn Lawyers submitted:

The reality is that until there is a change in motorists’ attitudes, cyclists will always be at risk as a vulnerable road user.....

Changing these entrenched views can only occur with a number of positive steps. The first step would be the creation and enforcement of a required minimum safety distance for vulnerable users. Cyclists have long been the subject of regular accidents on our roads as a result of motorists travelling too close. The establishment of a minimum standard of 1.5 metres would support a protective barrier for miscalculations of distance by motorists.

The risk of death or serious injury to cyclists when they come into contact with a vehicle is simply too great to place these lives in jeopardy. Suggestions of a one metre mandatory rule would not allow a sufficient margin for driver error. The fact remains that Queensland, and for that matter Australia, remains one of the few first world countries that does not have mandatory minimum requirements for cyclists and motorists.⁷⁷

⁷³ Submission 14: 1

⁷⁴ Submission 18: 1

⁷⁵ Submission 96: 4

⁷⁶ Submission 96: 3-4

⁷⁷ Submission 65: 5

MR Andrew McKenzie, Principal, Maurice Blackburn Pty Ltd and Safe Cycling Australia stated at the Committee's Sunshine Coast hearing:

*Safe Cycling Australia and Maurice Blackburn believe that there should be mandatory minimum distances between cyclists and other road users and that this should be legalised. Cyclists are vulnerable road users. They do not have steel frames, airbags, seatbelts or specifically designated chairs to cushion impact or injury. On top of that, as it stands at the moment, Australia—and Queensland—is one of the few First World countries that is yet to legislate mandatory minimum standards. It goes without saying that having greater distance between a cyclist and another road user will reduce the risk of injury occurring.*⁷⁸

There were five submissions against the introduction of a MOD.⁷⁹

Ms Susan Malkinson stated:

*Legislation to widen the passing distance of motorists to cyclists will not work because in many instances in Cairns there is only one lane of traffic each way. To overtake would mean crossing solid lines in many instances or slowing traffic down to cycle speed.*⁸⁰

Mr Brian Stretton raised concern in relation to the existing width of some roads and how the one metre rule would apply:

*The lanes on these roads are barely wide enough for a vehicle to safely or legally pass cyclists even riding single file under the current laws. If a 'Minimum Safe Passing Distance Rule of one (1) metre' was introduced, this would exacerbate the problem.*⁸¹

Mr Paul Dawkins raised concerns about traffic flow:

*As cyclists are vulnerable a safer over taking distance would be ideal for them This though does not solve the issue of the cyclists impeding traffic flow. The roads are really there to cater for trucks, buses and cars not bicycles. I would therefore recommend the following - 1. more bicycle lanes and bike ways. 2. no exemptions to the wearing of bike helmets. 3. No need to put in place a road rule of a minimum 1m overtaking bicycles as Reckless Driving already covers unsafe overtaking practices of drivers.*⁸²

The Suncoast Cycling Alliance opposed the one metre rule on the grounds that it may 'elevate the level of animosity between cyclists and road users'. They also stated that they believed such a rule would be technically and legally impossible to enforce.⁸³

4.2.5 Some relevant statistics

One submitter provided: from May to June 2013, eight cyclists were killed on Australian roads. All eight cyclist fatalities were as a result of a collision with a motor vehicle. At least half of the collisions involved the cyclist being hit from behind.⁸⁴

A recent report analysed the 122 cyclist deaths in Britain in 2012 and concluded that 87% (with some still being investigated) were due to a collision with a motor vehicle. In approximately a quarter of fatal cyclist accidents, the front of the vehicle collided with the rear of the bicycle.⁸⁵

⁷⁸ Transcript 27 August 2013: 19

⁷⁹ Submissions 8, 9, 26, 33 and 47 [Submission 69 advocated for enhanced infrastructure as an alternative]

⁸⁰ Submission 8: 1

⁸¹ Submission 26: 1

⁸² Submission 33: 1

⁸³ Submission 47: 2

⁸⁴ Submission 97: 4

A further cycling study in Melbourne identified that car drivers were at fault in 87% of incidents (including collisions and near collisions) with cyclists. Passing too closely (sideswiping) was found to be the most frequent incident type at 40.7%.⁸⁶

According to the Australian Transport Safety Bureau's 2006 report, a motor vehicle travelling in the same direction and hitting a bicycle rider from behind is the most common crash type that results in a cyclist being killed.⁸⁷

The most recently available Queensland statistics identify the crash nature for all crashes involving a cyclist from 2003-2010. The second highest recorded crash nature was sideswipe at 11.2% of crashes followed by rear-end at 5% of crashes. For crashes involving the fatality of a cyclist from 2003-2012 a sideswipe was involved in 15.3% of fatalities and rear-end crash in 10.6% of fatalities.⁸⁸

These statistics indicate there are a number of crashes and fatalities that are potentially preventable with MOD legislation to assist with external factors that a cyclist is unable to control. Discussed elsewhere in this Report are the factors able to be controlled by a cyclist such as ensuring visibility.

Conversely, Haworth and Debnath, 2013 report that 26% of crashes are caused by the driver of the motor vehicle failing to stop.⁸⁹ Earlier studies support this finding and show that a large proportion of crashes fall into the category of 'looked but failed to see' crashes.⁹⁰ These types of accidents are less likely to be reduced solely by introducing a MOD rule.

However, it is possible that 'looked but failed to see' may be over-reported. For example, a driver responsible for the death or serious injury of a cyclist may be more inclined to report that they 'looked but failed to see' rather than report that they did not attempt to exercise due care and attention by looking in the first instance.

Further, not only is being hit from behind a statistical reality for Australian cyclists, some advocates note that being hit from behind by a motorist is one of the top fears of non-cyclists. Therefore, one of the primary benefits of a MOD law is to make non-cyclists feel more comfortable getting on a bicycle. This in itself may yield safety benefits as the greater number of cyclists makes motorists more likely to expect a cycling presence on the road and become more accustomed to sharing the road.⁹¹

Of note, the Cycling Promotion Fund and National Heart Foundation 2011 found that more than 62% of Australians want to be able to ride a bicycle for transport but they cannot because of safety fears.⁹²

⁸⁵ Burgess, K. 122 cyclists died in 2012 – a five-year high. The Times. Retrieved from <http://www.thetimes.co.uk/tto/public/cyclesafety/article3313260.ece> 2 Jan 2013 [cited in submission 97]

⁸⁶ Johnson M. Charlton, J. Oxley, J. Newstead, S. Naturalistic Cycling Study: Identifying Risk Factors For On-Road Commuter Cyclists, MUAC, Melbourne, Australia [cited in Submission 97]

⁸⁷ Australian Transport Safety Bureau. (2006). Deaths of cyclists due to road crashes.

⁸⁸ TMR WebCrash Database www.webcrash.transport.qld.gov.au/webcrash2/

⁸⁹ Haworth, N., & Debnath, A.K. (2013). How similar are two-unit bicycle and motorcycle crashes? Accident Analysis and Prevention, 58, 15-25 [cited in Submission 80]

⁹⁰ Broughton, P., & Walker, L. (2009). Motorcycling and Leisure: Understanding the Recreational PTW Rider. Ashgate Publishing, Farnham; Brown, I. (2005); Review of the 'Looked but Failed to See' Accident Causation Factor. Department for Transport, London

⁹¹ Voorhees, A., The 3ft. Law: Lessons Learned from a National Analysis of Sate Policies and Expert Interviews, Transport Centre, Rutgers, The State University of New Jersey, USA: 67

⁹² Cycling Promotion Fund – media release 1 June 2011 citing the Cycling Promotion Fund and National Heart Foundation survey 2011, <http://www.heartfoundation.org.au/SiteCollectionDocuments/CyclingPromotionFund-NationalAwards-SurveyLaunch-1June2011.pdf> [20 November 2013].

On balance the relevant statistics support the proposal that MOD laws are one component that would enhance cycle safety and participation. The context is illustrated well by the AGF which submitted:

Road rules are a fundamental component of a safe road user environment. They have the potential to contribute to a safe physical space as well as a safe legislative space. However, these safety gains are only realised if there is a high level of awareness and education about road rules, the safe behaviour underpinned by law becomes the practiced 'norm', and the laws are actively enforced with penalties imposed on road users who infringe and endanger other road users.⁹³

Accordingly, the MOD law is part of a multi-dimensional approach to achieving a safe cycling environment. This approach needs to include other components such as infrastructure, other road rules, education and awareness.

4.2.6 Potential benefits of introducing a MOD rule

- recognises that cyclists are physically vulnerable and need the protection of space
- increased awareness that cyclists are legitimate road users
- establishes a cyclist's right to space and potentially improves their interactions with motorists
- increase the level of safety of cyclists by reducing the risk of them being hit or side-swiped
- clarifies the ambiguity in current legislation where overtaking is specified as at a 'safe distance' or the driver is to take 'due care'
- can be used as an educational tool to increase safe practices through the use of Billboards, bumper stickers, posters and cycling jerseys
- enforceable if a law enforcement officer or witness observes a driver's behaviour
- the combination of education and legislation to assist in crystallising cycling safety in the minds of motorists
- assist in positively changing attitudes and culture in Queensland and potentially Australia wide
- aids vulnerable road users by addressing a risk factor (passing too closely) that is largely out of the control of the cyclist themselves
- works in combination with other recommendations which place an onus on the cyclist to take responsibility (such as wearing bicycle lights).

In order for any MOD legislation to be effective, there must be appropriate education about the law and broader cycling issues, particularly education aimed at humanising cyclists in the eyes of all road users. On the other hand, in order for the education about cycling issues to be effective there must be the legislation to enforce it and 'crystallise' the issue in the minds of all individuals. An effective way to achieve this is to prescribe a penalty that reflects the seriousness of the offence and sends a message to all road users that the government is willing to give support to measures aimed at reducing the number of fatalities and serious injuries on our roads in relation to cyclists.

The current penalty for breaching section 144 of the QRR is a maximum of 20 penalty units (\$2,200).⁹⁴ The evidence to date indicates this penalty has not been effective in deterring individuals from breaching the current provision and endangering the lives of others.

⁹³ Submission 97:5

⁹⁴ Penalties and Sentences Act 1992 (Queensland): section 5

Conversely, the penalty for speeding prescribed in the above regulation is a maximum of 40 penalty units.⁹⁵ Speed in excess of 40km per hour over the limit incurs 8 demerit points.⁹⁶

The maximum penalty for dangerous operation of a vehicle is 200 penalty units (\$22,000) or 3 years imprisonment.⁹⁷ The maximum penalty for careless driving of motor vehicles is 40 penalty units (\$4,400) OR 6 months imprisonment.⁹⁸ Similarly, the maximum penalty for dangerous driving of vehicles (other than motor vehicles) is 40 penalty units (\$4,400) OR 6 months imprisonment.⁹⁹

Accordingly, a maximum of 40 penalty units (\$4,400) and providing for a loss of 8 demerit points may elevate this issue in the minds of all road users (including cyclists).

4.2.7 Issues with the introduction of a minimum overtaking law

- can only logically affect the behaviour of motorists who have seen that the cyclist is present and therefore would not prevent the majority of crashes (see statistics above)
- difficulty with enforcement
- lack of education and awareness of the law – need to have media campaigns and structured training programs
- may create more of a tension between cyclists and motorists
- rigid delineation of road space
- insufficient space on a single lane road for a motorists to overtake a cyclist (especially heavy vehicles)
- some cyclists and advocacy groups believe one metre is not enough and will encourage drivers to overtake too closely
- limited by the penalties that would be incurred by those failing to heed the law

As highlighted above, the MOD law is one part of a multi-dimensional approach to cycling safety. The law will not be effective in the case of motorists who fail to see a cyclist either through the cyclist not ensuring visibility or the motorist ‘looking’ but not ‘looking for cyclists’. This issue may in part be addressed by an appropriately targeted education campaign that places cyclists in the forefront of motorists’ minds and educates cyclists on how to enhance their personal safety.

There may be potential for the MOD law to elevate tension between motorists and cyclists. It is anticipated that an education campaign targeted at humanising cyclists in the eyes of all road users may assist in reducing the chance of this occurring.

The rigid delineation of space may cause angst for some road users and one metre may not be enough space in some cases. Further, some roads may simply not be wide enough to allow one metre for overtaking, particularly in the case of heavy vehicles. A thorough education campaign is required to educate road users that the overtaking distance is a minimum only and about what to do when there is not enough room to safely overtake.

Difficulty with enforcement and penalty provisions may pose an issue. Research has shown that MOD laws in other countries are not utilised frequently and that it is the education campaign combined with the fact that a motorist *could* face a penalty that aids in changing behaviour. Further, it is

⁹⁵ Transport Operations (Road Use Management – Road Rules) Regulation 2009: section 20

⁹⁶ <http://www.tmr.qld.gov.au/Safety/Driver-guide/Speeding/Speeding-fines-and-demerit-points.aspx>
[14 November 2013]

⁹⁷ Criminal Code Act 1899 – Dangerous operation of a vehicle: section 328A

⁹⁸ Transport Operations (Road Use Management) Act 1995: section 83

⁹⁹ Transport Operations (Road Use Management) Act 1995: section 84

arguable that a light penalty would not be enough to ‘motivate’ road users to take the issue seriously. To this end a strong penalty is being recommended.

Finally, a lack of education and awareness of the law has been cited as an issue with the introduction of a MOD law. Cross jurisdictional research and numerous submissions to the Inquiry support this comment. Accordingly, it is suggested that without appropriately targeted and sustained media campaigns and structured training programs, the introduction of a MOD law is not likely to be successful.

4.2.8 Committee comment and recommendations

The Committee has carefully considered all written submissions, the evidence provided at the various public hearings, statistical data on types of crashes, and research and analysis about minimum overtaking legislation, including its safety and practical implications. The Committee also conducted a cross jurisdictional review and analysed the factors for and against the introduction of this type of legislation.

The Committee acknowledges the overwhelming support by submitters for the introduction of a minimum overtaking distance law. The Committee notes the concerns raised by small number of submitters opposed to the minimum overtaking distance law, some of which may be addressed by measures such as accompanying legislation (discussed below), education, awareness and infrastructure.

The Committee believes the statistical data in relation to types of crashes involving cyclists and motorists indicates that some of these incidents, including fatalities and serious injuries may be preventable.

The Committee notes that Australia is one of the few western countries without minimum overtaking distance legislation. The Committee believes the research conducted by various experts indicates the introduction of a minimum overtaking distance law, in conjunction with accompanying laws and an appropriate education program, would be of benefit in Queensland.

After the analysis of factors for and against the introduction of a minimum overtaking distance rule, the Committee is recommending the introduction of the rule along with accompanying regulations and an appropriate education program. The Committee agrees that humanising cyclists in the eyes of motorists would aid in shifting current attitudes and road use culture.

The Committee notes the current Queensland road rule that provides for a maximum of 20 penalty units (\$2,200) has not been effective in deterring individuals from breaching the current provision and endangering the lives of others. The Committee notes the maximum penalty for speeding is 40 penalty units and that speed in excess of 40km per hour over the limit incurs 8 demerit points. The maximum penalty for dangerous operation of a vehicle is 200 penalty units (\$22,000) or 3 years imprisonment. The maximum penalty for offences such as ‘careless driving of a motor vehicle’ and ‘dangerous driving of vehicles (other than motor vehicles)’ are each 40 penalty units (\$4,400) OR 6 months imprisonment.

The Committee supports prescribing a maximum penalty of 40 penalty units and loss of 8 demerit points to underscore the significance of cycling issues and to assist in “crystallis[ing] in the minds of people driving motor vehicles that they need to give cyclists at least 1M of room when passing as it is not only common sense and in the safety interests of cyclists but also the law”.¹⁰⁰

¹⁰⁰ Submission 14

The Committee would like to stress that its recommendation that a minimum overtaking distance law be introduced is only one initiative in a holistic approach to addressing cycling issues. The Committee does not advocate that one law alone or even a series of laws and penalties will solve such a complex problem. Accordingly, the Committee is attempting to comprehensively address the issue through a broad set of solutions (discussed elsewhere in this Report) including infrastructure, other road rules (for example, bicycle riders to wear lights), and education and awareness.

Recommendation 8

The Committee recommends that the Minister for Transport and Main Roads amend Queensland road rule section 144 to introduce a minimum overtaking distance by inserting a new provision specifying that a sufficient distance for overtaking a bicycle means:

- a) a lateral distance of not less than 1 metre if the applicable speed limit does not exceed 60 km/h and
- b) a lateral distance of not less than 1.5 metres if the applicable speed limit exceeds 60 km/h.

(NB. Lateral distance needs to be defined as being measured from the right side of the bicycle or bicycle rider to the left side of the driver's mirrors or other projections including trailers and other attachments.)

Recommendation 9

The Committee recommends that the Minister for Transport and Main Roads prescribe a penalty for failing to comply with amended Queensland road rule section 144 set out in Recommendation 8 above as follows:

- a) a maximum fine of 40 penalty units (that is maximum \$4,400) and
- b) a maximum loss of 8 demerit points.

Recommendation 10

The Committee recommends that the Minister for Transport and Main Roads further amend the Queensland road rules to ensure that motorised wheelchairs, which are lawfully allowed to travel on the road, are also protected by the minimum overtaking distance legislation.

4.2.9 Interaction with other sections of the report - accompanying legislation, education and culture

This section discusses the issue of the MOD. However, it must be read in the context of two other key factors – accompanying laws and education.

Accompanying rules and legislation

1. Vulnerable road user protection provision – the proposed MOD provision works more effectively with appropriate vulnerable road user protection legislation (see section 5 of this Report for an examination of vulnerable road user protection legislation).
2. Crossing solid dividing lines – the proposed MOD provision needs to be balanced with allowance for motor vehicles to cross a solid dividing line when overtaking a cyclist, when safe to do so (discussed further in section 4.2.10 of the Report).
3. Indicate when overtaking a cyclist (discussed further in section 4.2.10 of this Report).

Education and culture

The real impact of the introduction of this provision (and accompanying provisions) is in the education and awareness of the new and amended road rules. It is keenly anticipated that an appropriate education campaign will assist in stimulating a change in culture from one of a mix of apathy and aggression to one of mutual respect on the road. Indeed it is imperative that education of the new road rules not only informs the public of what they need to do in relation to cyclists on the road, but triggers a dramatic shift in cultural attitudes. (see sections 9 and 10 of this Report for a detailed discussion on education and cultural change).

Next to a reduction in fatalities and serious injuries for cyclists on our roads, the most highly anticipated outcome is for motorists to view cyclists as human beings. It is this cultural shift that may be the ultimate factor in increasing safety for cyclists on our roads.

Mr Ben Stanley gave evidence at the Committee’s Brisbane hearing. His introductory words reflected some current attitudes towards cyclists and underpin the significance of the interaction of legislative intervention and cultural change.

I am a son, a brother, a husband and a father of two, but to some motorists when I am riding my bicycle all they see is ‘another cyclist’. I do everything I can to be safe on the road. These are my two children. I do not want this picture in the Courier-Mail titled ‘The children of killed cyclist Ben Stanley’. There have been too many times in my past where the difference between life and death has been a matter of a few centimetres, yet apparently no law has been broken. According to Daniel Meers of the Gold Coast Bulletin last year, ‘The time has come to declare war on cyclists.’ From the Channel 7 Facebook page after their story about this inquiry, I quote a small sample of posts. Chris Evans: ‘I try to hit them with my mirror, then pull up and say, ‘Got a problem, mate? Ha, ha, ha.’ Ian Didd: ‘I like to see how close I can get to cyclists when I’m overtaking them.’ Joseph Newya: ‘If I have to move to overtake a cyclist who is too far right, I get pissed. It will not hurt me if I run one over.’ Phillip McCracken Roberts: ‘Let them ride on the road. They provide great amusement when I see how close I can get, especially when you clip them with the wing mirror.’ Tina Swinson: ‘They should just not be on the road. They are idiots and blame the poor driver for hitting them. Harley Rose: ‘I would love to play bowling on the road. Use the cyclists as pins and the car as the bowling ball. Get in my way and a strike is what I’m going to get.’

Two messages to a fellow cyclist who made a submission to this inquiry included some swearing and then: ‘Me and a few mates can rape that out of you. Get off the road.’ And ‘You’d be worth the month I’d get in prison.’ Finally, according to Derryn Hinch on Channel 7 on Sunday night, the father of these two children is a cockroach on wheels.¹⁰¹

4.2.9.1 Committee comment and recommendations

The Committee notes the numerous submissions and research emphasising the need for a clear and well-targeted education campaign to coincide with any introduction of minimum overtaking distance legislation.

The Committee believes the law will be strengthened by appropriate education and the education will be strengthened by the message having been crystallised as law.

It was abundantly clear from the Committee’s Inquiry that introducing a minimum overtaking distance law goes hand in hand with education and cultural change. It is this cultural change that needs to focus on humanising cyclists in the eyes of all road users.

¹⁰¹ Transcript 21 August 2013:1

Recommendation 11

The Committee recommends that the Minister for Transport and Main Roads fund an extensive community awareness campaign both prior to, and following the introduction of the new minimum overtaking distance regulations and that this campaign incorporates humanising cyclists in a way the general public can identify with them.

Recommendation 12

The Committee recommends that the Department of Transport and Main Roads work with motoring organisation (such as the RACQ and the Taxi Council Queensland) and with heavy vehicle and passenger transport operators to ensure all Queensland drivers, and drivers across the nation who might drive in Queensland are made aware of the new minimum overtaking distance requirement in the Queensland road rules. For example: including minimum overtaking distance signs at the Queensland borders.

Recommendation 13

The Committee recommends that the Department for Transport and Main Roads develop guidelines and an education campaign to inform drivers on ways in which they can avoid close interaction with cyclists – for example, driving in the right hand lane of a multi-lane road.

4.2.10 Amendments to QRR section 139 – indicating and crossing a solid white line

From a pragmatic perspective, the MOD can only work if vehicles are permitted to overtake a cyclist to the right of the middle of an unmarked road or a solid line, when safe to do so. This is not a new feature in the QRR system. The rule already exists in the case of avoiding an obstruction (such as a slow moving vehicle) see section 139 of the QRR. The Committee is recommending a new provision which will merely extend this to overtaking a rider of a bicycle, which is something that is required in order to allow drivers to safely overtake cyclists.

It is also pragmatic to require road users to indicate when overtaking a cyclist. The action of indicating signals not only to other road users but consciously signals to the motorist themselves that they are performing an *overtaking manoeuvre* and not simply passing a bicycle. It is this conscious mind-set that should aid in shifting the current culture and attitude towards cyclists.

4.2.10.1 Committee comment and recommendation

In relation to the current Queensland road rule, the Committee has considered evidence provided at the hearings, written submissions, extensive research including jurisdictional comparisons of minimum overtaking distance legislation and how the law best works in practice. The evidence is in support of suitable accompanying legislation from a common sense and safety perspective.

The Committee believes it is in the best interests of road users and pragmatic to be permitted to cross the centre of the road, where safe to do so, in order to abide by any minimum overtaking distance legislation.

Recommendation 14

The Committee recommends that the Minister for Transport and Main Roads insert a new Queensland road rule section 139A to provide specific provisions, to accompany the minimum overtaking distance road rule section 144, along the lines of the following:

(1) A driver on a two-way road without a dividing line or median strip may drive to the right of the centre of the road to overtake the rider of a bicycle if—

- (a) the driver has a clear view of any approaching traffic and
- (b) the driver can do so safely;

otherwise the driver must wait until it is safe to overtake the rider of a bicycle.

(2) A driver on a road with a dividing line, single continuous line, or 2 parallel continuous lines may drive to the right of a dividing line, single continuous line, or 2 parallel continuous lines to overtake the rider of a bicycle if—

- (a) the driver has a clear view of any approaching traffic and
- (b) the driver can do so safely;

otherwise the driver must wait until it is safe to overtake the rider of a bicycle.

(3) A driver who performs an overtaking action in (1) and (2) must signal this right and left change of direction in accordance with Queensland road rules sections 46-48.

4.2.11 Heavy vehicles

Ian Walker's research included data illustrating:

...drivers of buses and heavy goods vehicles passed the rider much closer than other drivers, and indeed the author was struck by both classes during the experiment. This accords with the high number of bus overtaking incidents reported in the OxCam Survey (Walker and Jones, 2005) and the effect cannot simply be a product of driving for professional reasons, as light goods vehicles left significantly more room.¹⁰²

There were many submissions that raised the issue of heavy vehicle interaction with cyclists.¹⁰³ Many were in support of increased awareness of drivers of heavy vehicles and pointed to the statistics in relation to fatalities and serious injuries as a result of a heavy vehicle. This included the submission from Mr Richard Scholl administrator of the "Townsville Bunch Rides – Cycling in the North" Facebook Group:

It is my submission that it is clearly the case that cyclists, particularly on the open roads are increasingly falling victim to drivers, particularly to drivers of heavy vehicles. In those cases the risk of an injury resulting in a fatality in any collision is extreme. As the number of cyclists on our major roads continues to increase (as desired by government policy). It flows that incidents between cyclists and heavy vehicles are going to increase and so too will the serious injuries and fatalities to the bicycle riders.¹⁰⁴

¹⁰² Walker, I. (2007). Drivers overtaking bicyclists: Objective data on the effects of riding position, helmet use, vehicle type and apparent gender. *Accident Analysis and Prevention*, 39:423

¹⁰³ See submissions: 2, 16, 25, 31, 32, 38, 44, 56, 75, 79, 84, 89, 92, 96 and 97

¹⁰⁴ Submission 16

Queensland road crash data indicates that heavy vehicles were involved in 3.4% of all crashes involving a rider of a bicycle between 2003 and 2010 and involved in 16.5% of all cyclist fatalities between 2003 and 2012.¹⁰⁵ These figures indicate the higher likelihood of a fatality as a result of a heavy vehicle passing too closely to a cyclist.

4.2.11.1 Committee comment

The Committee has noted the research and submissions in relation to bicycle fatalities and serious injuries that involve heavy vehicles and acknowledges the community concern about heavy vehicle interaction with cyclists. The Committee is also guided by the research and available statistics that indicate that heavy vehicles as well as cyclists require specific education and awareness in relation to their interaction on our roads. (See recommendation 12)

The Committee believes that some of the cyclist fatalities and serious injuries that involved heavy vehicles may be preventable through a holistic approach that includes the introduction of a minimum overtaking distance law and targeted education and awareness.

The Committee supports targeted education and awareness for heavy vehicle users in relation to any minimum overtaking distance law. To this end the Committee acknowledges the partnership between the Amy Gillett Foundation and Toll Group to address road safety. The united action from Amy Gillett Foundation and Toll, emphasises that ‘everyone has the right to get home safely – a metre matters’. According to Ms Gaudry from AGF. It also focuses on how bicycle riders and drivers in the road transport industry can share the road safely – all creatures great and small.¹⁰⁶ See Figure 3 below.

Figure 14: Amy Gillett Foundation and Toll Group ‘a metre matters’ campaign



Source: Amy Gillett Foundation

¹⁰⁵ TMR WebCrash Database www.webcrash.transport.qld.gov.au/webcrash2/

¹⁰⁶ Ms Gaudry, AGF: <http://www.amygillett.org.au/agftoll> [18 Nov 2013]

4.2.12 Conclusion

Many motorists are simply not aware of the dangers posed by passing a cyclist too closely. For example, a cyclist may be pulled into traffic by the drag off a passing vehicle or startled to a point that causes them to lose control of their bicycle.

The strongest policies mandate that the law become integrated into the state driver manual and licence exam. This makes understanding how to share the road a required part of being a licenced driver. While many bicycle advocacy organizations already do significant bicycle safety education at the grassroots level, having the official backing of law can add strength to their efforts.¹⁰⁷

Accordingly, the minimum overtaking distance provision (and accompanying provisions) coupled with an appropriate education campaign will have the greatest impact; addressing those who are simply unaware of the dangers as well as those who intentionally compromise cyclists' safety.

¹⁰⁷ Voorhees, A., *The 3ft. Law: Lessons Learned from a National Analysis of State Policies and Expert Interviews*, Transport Centre, Rutgers, The State University of New Jersey, USA: 67

4.3 QRR review - mandatory helmet laws

While regulation of helmet wearing remains one of the most heated areas of debate in the Australian cycling community only a small minority of submitters (approximately 20%) discussed the issue. This may be due to the fact that helmet legislation was not specifically mentioned in the terms of reference for the Inquiry. The Committee has considered the mandatory helmet laws (QRR section 256) as part of the term of reference that a review of existing road rules be undertaken.

Of those submissions that did discuss mandatory helmet laws (MHL), six submissions supported MHL and fifteen supported either the repeal of MHL or the introduction of further relaxations. The Committee also explored the issue of compulsory helmet laws during its public hearings.

Many of the submitters and witnesses opposed to MHL did not have an issue with safety helmets as such, but rather with the regulation of helmets and the impact this has on cycling participation and associated health outcomes. The argument being that there are better health outcomes from cycling without a helmet when compared with not cycling at all.

The submitters and witnesses who supported MHL argued that there is no compelling evidence that people do not cycle solely because they have to wear a helmet and that any relaxation may result in an increase in the severity of head injuries.

4.3.1 *Helmet laws in Australian jurisdictions*

MHL was introduced in all Australian jurisdictions in the early 1990s as a road safety initiative aimed at reducing the severity of head injuries. The Northern Territory subsequently introduced an amendment to its MHL early in 1994 which exempted cyclists over the age of 17 when riding along footpaths and dedicated cycle paths.¹⁰⁸ In Queensland the MHL first came into effect on 1 July 1991, however enforcement and penalties were not introduced until 1 January 1993.

Section 256 of the QRR requires a rider of a bicycle, and any passenger, to wear an approved, securely fitted and fastened bicycle helmet. A person is exempt from wearing a bicycle helmet if they are:

- a paying passenger on a three- or four-wheeled bicycle or
- carrying a current doctor's certificate stating that they cannot wear a helmet for medical reasons or because a physical characteristic would make it unreasonable for them to wear a helmet or
- a member of a religious group and is wearing a type of headdress customarily worn by members of the group and the wearing of the headdress makes it impractical to wear a bicycle helmet.¹⁰⁹

4.3.2 *Helmet laws overseas*

The majority of overseas jurisdictions (191 countries) do not mandate the use of a bicycle helmets for non-competitive cyclists.¹¹⁰ However there are a number of exceptions where MHL has been introduced for all ages including New Zealand, at the provincial government level in Canada, in 21 State jurisdictions in the United States and in Finland and Spain.¹¹¹

¹⁰⁸ Bicycle Helmet Research Foundation, Northern Territory, <http://cyclehelmets.org/1214.html> [9 Nov 2013]

¹⁰⁹ Section 256 Transport Operations (Road Use Management-Road Rules) Regulation 2009

¹¹⁰ Mr Bean, Transcript, 21 August 2013: 12

¹¹¹ Science Daily, Research Supports Laws That Require Bicyclists to Wear Helmets, 6th May 2013 and <http://www.sciencedaily.com/releases/2013/05/130506095409.htm> and http://zakka.dk/cykelhjelme/cykelhjelme_org_050615_helmet_summary.pdf

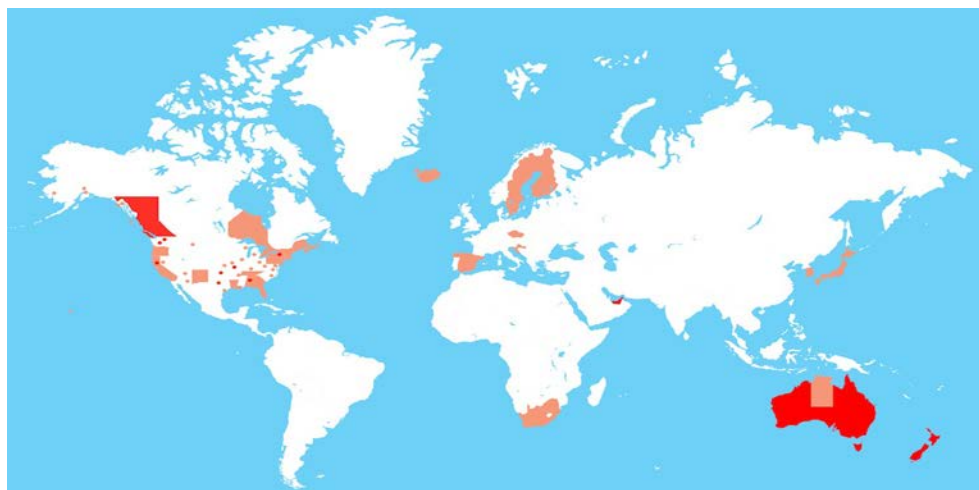
Other jurisdictions that apply mandatory helmet laws to children only include:

- the City of Austin, Texas the law originally applied to all cyclists but was later amended to only apply to children under the age of 16 years¹¹²
- the county of Barrington, Illinois the law applying to all ages was restricted in 1997 to those up to the age of 17 years¹¹³
- Croatia, Iceland, Slovenia, Sweden and Northern Ireland the law applies only to children.¹¹⁴

There have been a number of unsuccessful attempts to introduce MHL overseas. For example:

- in October 2005 the House of Lords in London rejected a Road Safety Amendment Bill that would have made it compulsory for children up to the age of 16 years to wear a crash helmet whilst cycling¹¹⁵
- in 2011 a Private Members Bill providing for the mandatory use of cycle helmets was defeated in the Northern Ireland Parliament¹¹⁶
- in 2007 Israel introduced compulsory wearing of helmets on a trial basis but discontinued the trial in 2011.¹¹⁷

Figure 15: Helmet legislation around the world¹¹⁸



Red = all-age MHL. Pink = MHL with significant exemption. Dots = USA jurisdictions with either all-age bicycle helmet laws (red) or significant exemptions (pink). White = no bicycle helmet laws.

¹¹² Bicycle Helmet Research Foundation, Northern Territory, <http://cyclehelmets.org/1214.html> [9 Nov 2013]

¹¹³ Bicycle Helmet Research Foundation, Northern Territory, <http://cyclehelmets.org/1214.html> [9 Nov 2013]

¹¹⁴ http://zakka.dk/cykelhjelm/cykelhjelm_org_050615_helmet_summary.pdf

¹¹⁵ Government Whip Slaps Helmet Compulsion Bid. 28th October 2005, <http://www.bikebiz.com/news/read/government-whip-slaps-down-helmet-compulsion-bid>

¹¹⁶ Northern Ireland Helmet Bill Abandoned. <http://cyclehelmets.org/1207.html?NKey=71>

¹¹⁷ <http://cyclehelmets.org/1214.html> [9 Nov 2013]

¹¹⁸ <http://helmetfreedom.org/847/bicycle-helmet-law-map/> [19 Nov 2013]

4.3.3 *The debate on whether MHL should be retained*

The main argument advanced in evidence to the Inquiry in support of MHL was that any relaxation might result in an increase in severe head trauma, which apart from the personal tragedy, would significantly add to health costs.¹¹⁹

Dr Marilyn Johnson from the AGF responded to a question from the Committee about whether the Foundation supported relaxation of the MHL with the following:

From an injury prevention perspective, no. As we mentioned earlier, there is not a shared bike path from everybody's front door to the destination they are trying to get to. At some point people will need to ride on the road and interact with vehicles. Fortunately in Queensland you can ride on the footpath, which is going to lessen that, which is great. But in terms of just the physics of it, falling from a distance—even just seated on a bike and on a bike path—having the helmet on your head means that there is something between your head and the ground to dissipate some of that impact. Whether you are travelling at a higher speed or not, quite serious injuries occur when people's heads strike the ground. So from an injury prevention perspective and from a safety perspective, the Amy Gillett Foundation's position is for definitely continuing the current mandatory helmet law.¹²⁰

Many submitters who were opposed to MHL did not have an issue with safety helmets as such, but rather with the regulation of helmets and the effect this has on cycling participation and associated health outcomes. It has also been argued that helmets are not the only answer to cycling safety and the focus on helmets takes the attention off strategies for delivering true safety benefits to cyclists by accident prevention - accidents being the real cause of head injuries.¹²¹

Submitters opposed to MHL claim there are a number of unintended negative consequences of the law including:

- reduced cycling participation and the associated health benefits (that is cycling without a helmet is safer/healthier than not cycling at all)
- a perception that cycling is inherently dangerous further reducing participation rates
- giving cyclists an exaggerated sense of vulnerability which increases risk taking behaviour such as speed, less attention, impatience and aggression
- reducing the care motorists take around cyclists as they believe the cyclist is protected
- adding to the marginalisation of cyclists as “outers”
- reduced use of bicycle share/rental schemes
- deterring tourists from cycling which impacts on the economies of tourist areas
- reducing the demand for safe cycling infrastructure as helmets are seen as the answer
- reducing the enjoyment of cycling due to discomfort and inconvenience
- restricting the ability of cyclists to wear sun-safe headwear.¹²²

¹¹⁹ See submissions 4: 1, 51: 1, 71: 7-8,

¹²⁰ Transcript 16 October 2013: 12

¹²¹ See submissions 58: 32 and 68: 2

¹²² See submissions 38: 4, 42: 4-5, 46: 1-3, 58: 26-32, 68: 1-2, 74: 1-2, 91: 3

Dr Paul Martin submitted:

In Australia, we have been burdened by an all-age, enforced, national bicycle helmet law (with the exception of the Northern Territory) for twenty years. It was introduced as part of a package the States had to accept to secure black spot road funding from the Federal Labor Government ...

The head injury rate for cyclists had been trending down in the years prior to the helmet laws' introduction, at the same rate that car occupant and pedestrian head injuries had been trending down. In other words, the helmet law has made no difference to safety.

Interestingly, the Northern Territory allows adult cyclists to ride without helmets on foot- and cycle- paths and they have the highest bicycle mode share, greater utility or transport cyclist numbers and a greater percentage of women riding than any other state or territory.¹²³

Effectiveness of helmets in preventing head injury

Since the introduction of MHL there have been numerous studies into many facets of bicycle helmets including vigorous international debate on the effectiveness of helmets in injury prevention.

A 2010 literature review by CARRS-Q (commissioned by TMR) concluded:

... that bicycle helmets that meet national standards protect against head, brain, and facial injuries. Helmet wearing was associated with a 69% reduction in the likelihood of head or brain injury and a 74% reduction in the likelihood of severe brain injury. The benefit was the same whether a motor vehicle was involved in the crash or not. Helmet wearing reduced the likelihood of injury to the upper and mid-face by 65%.¹²⁴

A 2013 study on the effectiveness of helmets in collisions between cyclists and motor vehicles in NSW between 2001 and 2009, found that helmet wearing reduced the risk of moderate, serious and severe head injury by up to 74%.¹²⁵

Evidence provided by a Canadian research project which investigated the association between helmet legislation and admissions to hospital for cycling related head injuries among young people and adults in Canada contradicts the NSW study. It concluded:

From 1994 to 2008, we observed a substantial and consistent decrease in the rate of hospital admissions for cycling related head injuries across Canada. Reductions were greatest in provinces with helmet legislation. Rates of admissions for head injuries, however, were decreasing before the implementation of provincial helmet legislation and did not seem to change in response to legislation. While helmets reduce head injuries and their use should be encouraged, this study suggests that, in the Canadian context of provincial and municipal safety campaigns, improvements to the cycling infrastructure, and the passive uptake of helmets, the incremental contribution of provincial helmet legislation to reduce the number of hospital admissions for head injuries is uncertain to some extent, but seems to have been minimal.¹²⁶

¹²³ Submission 42:4

¹²⁴ Haworth N, Schramm A, King M, Steinhardt D. (2010) Bicycle Helmet Research, CARRS-Q: 23

¹²⁵ Bambach, M. R., Mitchell, R. J., Grzebieta, R. H., Olivier, J. The effectiveness of helmets in bicycle collisions with motor vehicles: A case-control study. Accident Analysis and Prevention, Issue 53, 2013

¹²⁶ <http://www.bmj.com/content/346/bmj.f2674>

The Brisbane CBD BUG has submitted:

Australia's contributions to the discussion have been hindered by confirmation bias and flawed methodology. Many studies observe helmet use after an accident, ignoring the effect of compulsion on cycling rates, and draw inappropriate conclusions from tiny data sets, ignoring confounding factors that are probably more relevant (alcohol use, etc.). ...

Injuries to pedal cyclists, including head injuries, had been decreasing in the decade before bicycle helmet legislation and there was no appreciative difference in this trend following the law's introduction. The rate of head injuries for other road users, including pedestrians, followed this trend as well, despite no requirement for them to wear helmets.

Reanalysis of the data recently has shown that even the protection afforded by bicycle helmets has been grossly overstated, with the US Government's Department of Transportation's National Highway Traffic Safety Authority this year withdrawing the claim they reduce 85% of head injuries.¹²⁷

At the Committee's Roundtable discussion, Dr Richard Bean tabled statistics that show the Northern Territory has the second lowest average annual cyclist fatality rate of the eight Australian states and territories even though it has relaxed the MHL.¹²⁸ The tabled paper also quoted the Bicycle Helmet Research Foundation web site¹²⁹ which cites a study by Berry and Harrison "Serious injury due to land transport accidents, Australia, 2005-06":

For most road users, the Northern Territory has the worst injury rate in Australia. The sole exception is cyclists, for whom the serious injury rate is the same as the national average and better than several states where helmet use remains mandatory for all cycling.¹³⁰

In summary, while most stakeholders accept that helmets provide some protection in the event of a crash or fall that involves head trauma, there appears to be conflicting evidence about the degree of protection offered by a helmet in the event of an accident. The Northern Territory example provides evidence that MHL can be relaxed without inevitably increasing injury and fatality rates.

The effect of MHL on cycling participation rates and the overall health of the community

There is also broad disagreement over whether MHL have a negative impact on cycling participation rates and whether the relatively small risk of sustaining a head injury in a crash outweighs the overall health benefits of increasing the participation rate.

Those that support MHL argue there is no real evidence that people refuse to cycle just because they have to wear a helmet. For example, Mr Rohan Armstrong submitted:

With respect, there is no compelling evidence that people refuse to ride bikes due solely to having to wear a helmet. That is a cop out. It is more likely that the fear of injury or death puts people off riding bikes on roads.¹³¹

CARRS-Q provided evidence that its research shows that:

..... helmet legislation has been and continues to be beneficial in terms of prevention of head injuries and that, while it is cited as a reason for not cycling, there are also many other reasons the same individuals give for not cycling including the heat, the temperature,

¹²⁷ Submission 90, Appendix 1:16 (includes relevant references)

¹²⁸ Paper tabled by Richard Bean at the Roundtable discussion, 16 October 2013

¹²⁹ <http://www.cyclehelmets.org/1114.htm>

¹³⁰ <http://www.nisu.flinders.edu.au/pubs/reports/2008/injcat113.pdf>

¹³¹ Submission 71: 7

*particularly perceptions of unsafety and certainly just the sheer lack of time to actually be able to ride to work—and facilities and so on.*¹³²

On the other hand, Dirk van Kampen submitted:

*There is little evidence of a causal relationship between the introduction of mandatory helmet laws in Australia and any decline in head injuries. Mandatory Helmet Laws have only really been shown to reduce one clear outcome: reduce the numbers of people cycling and therefore reduce the overall presence of cyclists. A reduced overall presence of cyclists leads to reduced awareness by motorists, increased marginalisation, and decreased safety.*¹³³

The Brisbane CBD BUG points out that the Northern Territory, with its relaxed MHL, has the highest model share for cycling in the country, the highest female participation rate and a different cycling demographic to the other states and territories – more ‘transport/everyday cycling’ in normal clothes at slow speeds – and they pay no safety penalty for this approach.¹³⁴

There does not appear to be any conclusive statistical evidence about the impact of MHL on cycling participation. CARRS-Q has concluded:

The ability to assess the effects of bicycle helmet laws on cycling participation rates is constrained by the lack of long-term participation data that covers all types of riding. It is also difficult to predict what current cycling participation levels might have been under different scenarios.

*Limited work has been conducted in Australia specifically to evaluate the effect of helmet legislation on cycling participation. In Melbourne adult cyclist numbers doubled after the helmet legislation was introduced but there were fewer child cyclists, particularly teenagers. Data from South East Queensland suggests that the number of journeys to work by bicycle fell after the introduction of helmet legislation but now exceeds pre-legislation trip numbers. However, this excludes the number of trips taken by for purposes other than commuting (recreation, social, health and fitness, training etc.).*¹³⁵

A number of submitters have pointed out that the MHL were introduced in Australian states and territories in exchange for Black Spot funding and that there was no empirical evidence to support them and no studies or baseline measurements done before introducing the law to measure the effect and prove any benefits.¹³⁶ This lack of baseline measurements goes some way towards explaining the difficulty in assessing the impact of the laws on injury and participation rates.

As mentioned previously a number of submitters have suggested that the introduction of MHL has had an unintended, detrimental impact on the overall health of the nation. A paper by D.L. Robinson “Helmets injuries and bicycle helmet laws” supports this view:

Consequently, a helmet law, whose most notable effect was to reduce cycling, may have generated a net loss of health benefits to the nation. Despite the risk of dying from head injury per hour being similar for unhelmeted cyclists and motor vehicle occupants, cyclists alone have been required to wear head protection. Helmets for motor vehicle occupants are now being marketed and a mandatory helmet law for these road users has the potential to

¹³² Dr Haworth, Transcript 21 August 2013: 22

¹³³ Submission 99: 1

¹³⁴ Submission 90, Appendix 1: 15

¹³⁵ Haworth N, Schramm A, King M, Steinhardt D. (2010) Bicycle Helmet Research, CARRS-Q: 23

¹³⁶ See submissions 42: 4, 58: 30, 75: 21-22, 90 Appendix 1: 15

*save 17 times as many people from death by head injury as a helmet law for cyclists without the adverse effects of discouraging a healthy and pollution free mode of transport.*¹³⁷

Sunshine Coast Regional Council summarised the sensitivity of the helmet versus health benefits argument in its submission:

*There has been much debate and analysis of the benefits and disbenefits of compulsory wearing of helmets. It is noted that although there is a large volume of evidence to show that the overall community health benefits outweigh the costs of increased head trauma in crashes, any increase in head trauma caused by the absence of helmets is always at tragic personal cost, which is individually difficult to trade off against the ‘greater good’.*¹³⁸

Public bicycle hire schemes – a case study

A number of submissions discussed the potential impact of MHL on the use of bicycle hire schemes. Public bicycle schemes initially began as small pilot projects in some Northern European cities in the 1960s, and have expanded into large-scale, city-wide schemes in many European cities, as well as similar, albeit typically smaller programs in the US, Canada and Australia. Wuhan, China currently has the largest bicycle program globally, with over 70,000 bicycles.¹³⁹ Paris is the perhaps the best known of the cities currently operating a public bicycle program, with over 20,000 bicycles.¹⁴⁰ There are bicycle-sharing schemes in 581 cities in more than 50 countries with only four of these cities, Melbourne, Brisbane, Auckland and Christchurch requiring helmets.¹⁴¹

The following figure shows the usage rate of a number of public bicycle hire schemes and clearly shows the relatively low usage of the Brisbane and Melbourne schemes.

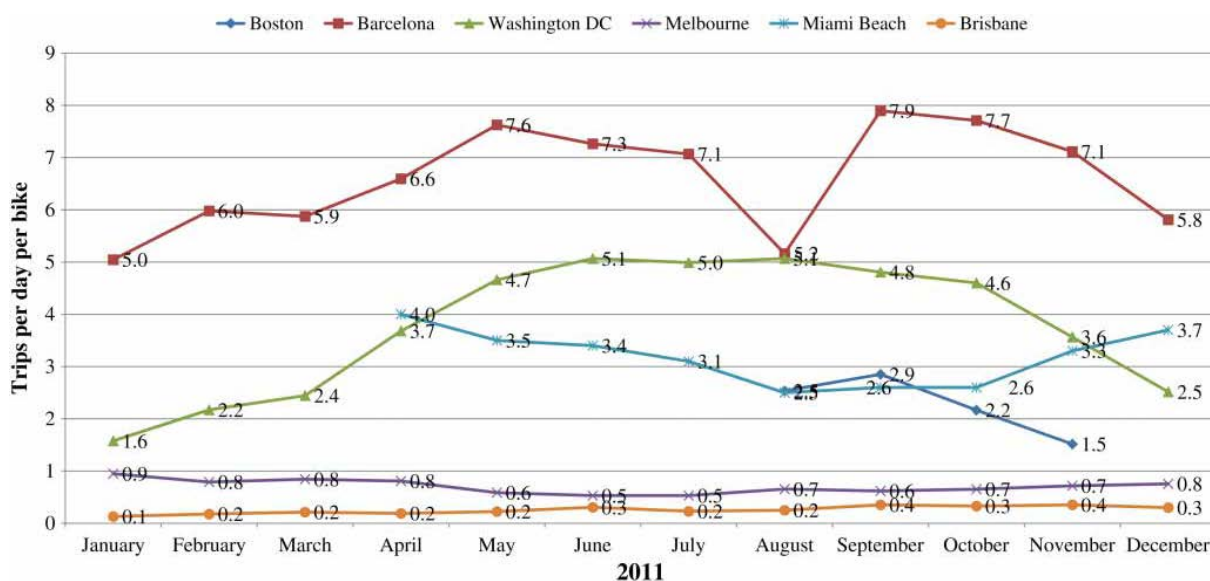


Figure 16: Bicycle share trips per bicycle per day – selected cities¹⁴²

¹³⁷ D.L. Robinson, Head injuries and bicycle helmet laws, Accident Analysis & Prevention, Vol. 28, Issue 4, July 1996: 1

¹³⁸ Submission 91: 3

¹³⁹ <http://www.sensibletransport.org.au/what-we-do/public-bicycle-advice>

¹⁴⁰ <https://theconversation.com/fixing-australian-bike-share-goes-beyond-helmet-laws-10229>

¹⁴¹ Dr Bean, Transcript 21 August 2013: 11

¹⁴² Elliot Fishman, Simon Washington & Narelle Haworth (2013): Bike Share: A Synthesis of the Literature, Transport Reviews: A Transnational Transdisciplinary Journal, DOI:10.1080/01441647.2013.775612: 7

After one year of operation, Brisbane's bicycle hire scheme, CityCycle, averaged approximately 0.3 trips per bicycle day. This was a very poor usage rate when compared to other public hire schemes overseas. The only other bicycle hire scheme that performed as badly as Brisbane's scheme was the Melbourne Bike Share scheme which is also subject to the MHL for all age groups.

It is often claimed that one of the main reasons for the relatively low use of the Brisbane and Melbourne's public bicycle hire schemes is MHL.

Brisbane and Melbourne are the only two cities in the world with helmet laws to have attempted public bike hire. While schemes in places like Paris, London, Montreal, Dublin and Washington DC have flourished, Brisbane and Melbourne have amongst the lowest usage rates in the world.¹⁴³

The lack of helmets available at bicycle hire stations was considered by BCC as being a significant issue affecting CityCycle usage and consequently the Council attached 400 courtesy helmets to the bicycles. This resulted in a 30% increase in trips to 0.4 trips per bicycle day and the Council has more recently added a further 500 helmets to the scheme. However, as there are over 2,000 bicycles available at 150 stations¹⁴⁴ there is not always a helmet available at each bicycle station. This is evidenced by an unofficial audit of three bicycle stations situated on Annerley Road on the southside of Brisbane on the morning of 10 November 2013. The station at the top of the Eleanor Schonell Bridge had nine bicycles with no helmets available and the other two stations adjacent to Boggo Road and Park Road had 12 bicycles with three helmets and 25 bicycles with four helmets respectively. This means that a person wishing use the CityCycle scheme to ride from the University of Queensland to the City would not have been able to hire a bicycle at the first and most convenient station unless they happened to be carrying their own helmet.

A further issue with the provision of helmets as part of the hire scheme is that for helmets to be effective they have to be the appropriate size and fitted properly which is not practical for a public hire scheme.

However helmets are only one factor in the poor usage of the CityCycle scheme as evidenced by the fact that linking the Go Card to the scheme resulted in an 8.5% increase in trips in March 2013.¹⁴⁵ Other factors that may limit the use of the scheme include the closure of the scheme from 10pm to 5am, a limited catchment area for CityCycle stations,¹⁴⁶ an aggressive road environment and poor quality road and cycleway infrastructure.¹⁴⁷

The view that MHL is a significant barrier to bicycle hire schemes in Australia is evidenced by the City of Sydney, which wanted to start a public bicycle hire scheme, but would not do so with MHL in place due to the problems experienced by the Melbourne and Brisbane schemes. The Council is reportedly considering "*advocating a pilot scheme where helmets are not compulsory for adults in an approved area with low traffic speeds and separated cycleways*"¹⁴⁸ and made a submission to the NSW Inquiry into Vulnerable Road Users recommending that current legislation relating to mandatory use of bicycle helmets be reviewed.¹⁴⁹

¹⁴³ <http://ipa.org.au/publications/2019/australia's-helmet-law-disaster>

¹⁴⁴ BCC Annual Report 2011-12: 65

¹⁴⁵ <http://www.brisbanetimes.com.au/queensland/citycycle-use-rises-after-go-card-link-20130424-2iete.html#ixzz2jifq7pVO> [7 Nov 2013]

¹⁴⁶ Fishman, E. Washington, S and Haworth, N. (2012) Barriers and facilitators to public bicycle scheme use: A qualitative approach, *Transportation Research Part F: Traffic Psychology and Behaviour*, 15(6): 696

¹⁴⁷ Submission 90, Appendix 1: 20

¹⁴⁸ <http://www.smh.com.au/nsw/bike-hire-plans-hinge-on-helmets-20120304-1ub4f.html#ixzz2jiCgTmA1> [7 Nov 2013]

¹⁴⁹ [http://www.parliament.nsw.gov.au/Prod/parlament/committee.nsf/0/caca3f64dcd66940ca2577910023f328/\\$FILE/Submission%20No.%2053%20-%20City%20of%20Sydney.pdf](http://www.parliament.nsw.gov.au/Prod/parlament/committee.nsf/0/caca3f64dcd66940ca2577910023f328/$FILE/Submission%20No.%2053%20-%20City%20of%20Sydney.pdf) [7 Nov 2013]

London's "Boris bikes" provides an example of the relatively high safety levels of public bicycle hire schemes in countries without MHL. Of the 19.5 million trips taken on "Boris bikes" over the first three years of operation, there has been one fatality (occurring recently on 6 July 2013)¹⁵⁰ with no other life threatening or life changing injuries.¹⁵¹

Dr Richard Bean provided the following evidence on why bicycle sharing schemes provide relatively low risk cycling opportunities:

*Bicycle sharing is much safer than riding your own bike. The London scheme found that injury rates are about a third of riding a private bike. It is just basically a safe system because you are riding a different kind of bike. It cannot go fast; you are in an upright position; it is a step-through bike; it is designed for transport, not sport riding. Also, as has been found for CityCycle, motorists are generally much more aware of those type of riders.*¹⁵²

Public bicycle hire schemes allow for spontaneous cycling trips by locals and tourists and encourage a wider uptake of bicycles as a means of transport. The potential of CityCycle is significantly unrealised and there appears to be no doubt that MHL has had a detrimental effect on the usage of such schemes.

Universal application of the MHL

There is considerable public debate about whether helmet wearing should be regulated by government and about the blanket nature of the laws, which require the wearing of a helmet in almost all circumstances, regardless of the risk. In 2011 the Queensland Council for Civil Liberties considered the issue of whether bicycle helmets should be compulsory and decided they should not.¹⁵³ The reason for this decision has been reported as being due to there being insufficient evidence to justify making bicycle helmets compulsory as opposed to seat belts where the evidence is overwhelming.¹⁵⁴

At the Brisbane Public Hearing Mr Aaron Ball responded to a question from the Committee on this issue:

I do not think all cycling is equal. If we did not have helmet laws tomorrow I think a significant number of people would still wear helmets, myself included depending on what sort of cycling I was doing at the time. I am sure people who do road riding, like the lycra set doing morning exercise and recreation rides, will still wear helmets. I am sure people doing mountain bike riding will still wear helmets. I know with my daughter that until she is much older and much more confident I will be making sure that she still wears a helmet.

*If I wanted to ride on a bike path from my house to the local shops, I would much rather wear a sun hat in the middle of a Brisbane summer than a helmet. The research presented by [the Department of] Transport and Main Roads shows that almost 40 per cent of people have ridden once in the last year. To me that shows a very large number of people in our population who can ride, for whatever reason do ride, but just do not ride more often. I believe that those people would ride more often.*¹⁵⁵

¹⁵⁰ <http://road.cc/content/news/96501-death-french-student-struck-lorry-while-riding-boris-bike-accidental> [7 Nov 2013]

¹⁵¹ https://www.whatdotheyknow.com/request/boris_bike_accident_statistics [7 Nov 2013]

¹⁵² Dr Bean, Transcript 21 Aug 2013:14

¹⁵³ Queensland Council for Civil Liberties, Newsletter, October 2011

¹⁵⁴ As quoted in <http://helmetfreedom.org/1220/citycycle-birthday-report-card-fail/> [4 Nov 2013]

¹⁵⁵ Transcript 21 Aug 2013: 19

Brisbane CBD BUG submitted:

..the principal risk to cyclists arises from crashes involving motor vehicles, and when cyclists are not on-road they experience an insignificant level of risk or serious injury or death. When riding off road it is suggested cyclists would be safer by wearing a broad brimmed hat to prevent potential skin cancer from sun exposure than from wearing a helmet.¹⁵⁶

Neither Sunshine Coast Regional Council nor Brisbane City Council have formed a firm position on MHL but both Councils have suggested that relaxation of MHL should be investigated or trialled for cyclists on pathways which do not interface with vehicular traffic, for example in parks, scenic routes through foreshore or environmental reserve areas.¹⁵⁷

BCC advised the Committee that it supported:

...trials around the non-use of helmets in some controlled environments, that is, in areas where we otherwise deem appropriate: low-use, low-speed, maybe more the family oriented environment.¹⁵⁸

Sunshine Coast Regional Council submitted:

The requirement to wear a helmet to cycle is also seen as a significant deterrent to cycling by tourists who are significant contributors to the Sunshine Coast economy. Supporting cycle tourism is a priority action in the Queensland Cycle Strategy. The need for a helmet increases the cost of enjoying a cycling experience and impacts negatively on promoting cycling as a positive tourist experience and the image of the sunshine Coast as a recreational destination. Most tourists are unlikely to pack helmets and this requirement reduces the likelihood of cycling as an impromptu holiday activity.

The requirement for helmets also severely impacts on the viability and practicality of introducing any public bicycle hire scheme for beach tourism precincts.¹⁵⁹

A number of submitters have called for the total repeal of the helmet regulation while others have suggested various options for relaxing the laws:¹⁶⁰

- exemptions for adult cyclists (except for competitive cycling events)
- exemptions for adult cyclists riding in parks, on footpaths and shared/cycle paths, and on roads with a speed limit of 50 km/hour or less
- exemptions for all cyclists or for adult cyclists using public bicycle hire schemes.

The Committee has considered each of these options and came to the following conclusions.

4.3.4 Committee comment and recommendation

The Committee is appreciative of the fact that bicycle helmets, that meet national standards and are correctly fitted, provide some protection against head, brain, and facial injuries and is therefore of the view that the use of helmets should be encouraged. However the Committee is not convinced there is sufficient evidence of the safety outcomes of compulsory helmet wearing to justify the mandating of helmet wearing for all cyclists of all ages regardless of the situational risk.

¹⁵⁶ Submission No.90, Appendix 1:15

¹⁵⁷ Submissions 91 and 106

¹⁵⁸ Transcript 21 Aug 2013: 28

¹⁵⁹ Submission No.91:3

¹⁶⁰ See submissions 38: 4, 42: 5, 46 :1-3, 58: 32, 68: 2, 90 Appendix 1: 3

The Committee is concerned that the introduction of mandatory helmet laws may have had an unintended, adverse impact on cycling participation rates in Queensland and therefore the overall health of the state. It also believes there is sufficient evidence provided by the Northern Territory example that a relaxation of mandatory helmet laws in lower risk situations (such as cycling on footpaths and on dedicated cycle paths), does not inevitably reduce the safety of cycling.

The Committee is therefore of the view that relaxing mandatory helmet laws in specific circumstances is likely to increase cycling participation rates with a range of associated health benefits and economic benefits in tourism areas. The Committee also believes that a relaxation of mandatory helmet laws may assist in normalising the perception of cyclists by motorists.

The Committee is therefore making a number of recommendations regarding relaxation of the mandatory helmet laws in specific circumstances.

The Committee is aware that police enforcement of helmet wearing by children is hampered by the fact that the children are not able to pay the fine and their parents have no legal responsibility to pay the fine on their behalf. The Committee believes parents should be responsible for ensuring their children wear helmets and should therefore be responsible for paying any fine their child incurs.

The Committee notes that a similar provision is currently contained in Schedule 9 of the Transport Operations (Road Use Management – Driver Licensing) Regulation 2010 Part 4-14 which states that a driver of a vehicle failing to ensure a passenger at least 16 years wears a seat belt (without an excuse) is subject to a demerit point penalty and fine.

Recommendation 15

The Committee recommends that the Minister for Transport and Main Roads:

- introduce a 24 month trial which exempts cyclists aged 16 years and over from the mandatory helmet road rule when riding in parks, on footpaths and shared/cycle paths and on roads with a speed limit of 60 km/hr or less and
- develop an evaluation strategy for the trial which includes baseline measurements and data collection (for example through the CityCycle Scheme) so that an assessment can be made which measures the effect and proves any benefits.

Recommendation 16

The Committee recommends that the Minister for Transport and Main Roads introduce an exemption from Queensland road rule 256 for all cyclists age 16 years and over using a bicycle from a public or commercial bicycle hire scheme.

Recommendation 17

The Committee recommends that the Minister for Transport and Main Roads introduce amendments to current regulations to ensure that parents of children (15 years and under) are liable to pay the penalty where their child is found to be riding without a helmet.

4.4 QRR review – ‘rolling stops’

4.4.1 Stopping at a stop sign

QRR section 67: Stopping and giving way at a stop sign or stop line at an intersection without traffic lights

- (1) This section applies to a driver at an intersection without traffic lights who is facing a stop sign or stop line.
- (2) The driver must stop as near as practicable to, but before reaching—
- (a) the stop line; or
- (b) if there is no stop line—the intersection.
- (3) The driver must give way to a vehicle in, entering or approaching the intersection except—
- (a) an oncoming vehicle turning right at the intersection, if a stop sign, stop line, give way sign or give way line applies to the driver of the oncoming vehicle; or
- (b) a vehicle turning left at the intersection using a slip lane; or
- (c) a vehicle making a U-turn.
- (4) If the driver is turning left or right or making a U-turn, the driver must also give way to any pedestrian at or near the intersection crossing the road, or part of the road, the driver is entering.
- (5) For this section, an oncoming vehicle proceeding through a T-intersection on the continuing road is taken not to be turning.

QRR section 68: Stopping and giving way at a stop sign or stop line at other places

- (1) This section applies to a driver approaching or at a place with a stop sign or stop line, unless the place is—
- (a) an intersection; or
- (b) a children’s crossing; or
- (c) an area of a road that is not a children’s crossing only because it does not have—
- (i) children crossing flags; or
- (ii) children’s crossing signs and twin yellow lights; or
- (d) a level crossing; or
- (e) a place with twin red lights.
- Examples—
- a stop sign at a break in a dividing strip dividing the part of the road used by the main body of moving vehicles from a service road
 - a stop sign on an exit from a carpark where the exit joins the road
- (2) The driver must stop as near as practicable to, but before reaching—
- (a) the stop line; or
- (b) if there is no stop line—the stop sign.
- (3) The driver must give way to any vehicle or pedestrian at or near the stop line or stop sign.

The QRR sections 67-68 require cyclists to obey stop signs in the same way to other road users (motor vehicle drivers). A number of submitters noted that the rules requiring cyclists to come to a complete stop is problematic for cyclists and strongly supported the introduction of a ‘rolling stop’ approach, which gives cyclists the option to proceed or ‘roll’ through an intersection where it is safe to do so.¹⁶¹

An example of a ‘rolling stop’ approach is the ‘Idaho Stop Law’, which was introduced by the Idaho legislature in 1982. The underlying principle of the ‘Idaho Stop Law’ is that cyclists are able to choose their own most safe crossing and as such the law allowed cyclists to treat stop signs and red lights in the same way that they would a yield (give way) signs. The law was however amended in 2005 to ensure that red lights are treated as stop signs.¹⁶² As the law now stands, when a cyclist approaches a red light they *must stop*, yield (give way), and then ‘roll’ through to make a left turn or to proceed straight through the intersection.

¹⁶¹ See submissions: 32, 42, 58, 66, 70, 90, 93 and 105

¹⁶² Meggs, J., N. (2010). Bicycle Safety and Choice: Compounded Public Co-benefits of the Idaho Law Relaxing Stop Requirements for Cycling. UC Berkeley, CA: 3

Studies which specifically examined injury or fatality rates found no evidence of any increase in injury or fatality rates as a result of the adoption of the ‘Idaho stop Law’.¹⁶³ In fact in 1983, the year after the law was adopted, bicycle injury rates declined by 14.5% and there was no change in the number of bicycle fatalities.¹⁶⁴

Effectively, the ‘Idaho Stop Law’ recognises a common reality that often cyclists do not come to a complete stop at stop signs, rather they ‘roll’ through an intersection where it safe to so do, in order not to lose momentum. Dr Marilyn Johnson’s research acknowledges this reality:

*...I have found that at some intersections less than 10% of cyclists will go through, although if you ask cyclists across their whole trip up to 30% of people will say at some point they have gone through a red light.*¹⁶⁵

Alternatively, cyclists will often avoid stopping at intersections by:

*...entering and exiting the footpath either side of the intersection ... this manoeuvre, whilst legal, may be more risky to both cyclists and pedestrians in certain situations.*¹⁶⁶

However, when cyclists in Queensland don’t stop at stop signs (and at red lights), and therefore breach the QRR, they are often perceived as ‘lawless’ by other road users and this results in increasing tensions between cyclists and motorists, as explained by Dr Johnson:

*...I know from the research that I have done on cyclist safety and perceptions of drivers about cyclists on the road that bike riders going through red lights is the top annoyance for drivers. It is what they hate the most. It is what they think everybody is doing on the road.*¹⁶⁷

Submitters gave a range of reasons for supporting a ‘rolling stop’ approach at intersections:

- cyclists loss of momentum by coming to a complete stop¹⁶⁸
- to encourage cycling participation rates¹⁶⁹
- cyclists tend to prefer using quieter residential streets, where there is less traffic but more frequent stops signs¹⁷⁰
- cyclists have a higher seating position relative to most motorists and are ideally positioned to assess the position of other traffic approaching an intersection¹⁷¹
- reduce the delay experienced by other vehicles waiting for a cyclist to move through the intersection after coming to a complete stop¹⁷²
- it is difficult for cyclists with cleats and clip in pedals to disengage (as required to remain upright when at a complete stop on a bicycle).¹⁷³

¹⁶³ Meggs, J., N. (2010). Bicycle Safety and Choice: Compounded Public Co-benefits of the Idaho Law Relaxing Stop Requirements for Cycling. UC Berkeley, CA: 4

¹⁶⁴ Meggs, J., N. (2010). Bicycle Safety and Choice: Compounded Public Co-benefits of the Idaho Law Relaxing Stop Requirements for Cycling. UC Berkeley, CA: 4-5

¹⁶⁵ Transcript 18 October 2013: 11

¹⁶⁶ Submission 58: 25

¹⁶⁷ Transcript 16 October 2013: 11

¹⁶⁸ Submission 32: 4; Submission 70:8; Submission 93: 4

¹⁶⁹ Submission 66: 2

¹⁷⁰ Submission 70:8 and Submission 90: 23

¹⁷¹ Submission 90: 23

¹⁷² Submission 93: 4

¹⁷³ Submission 105: 6

Brisbane CBD BUG suggested the following wording for a ‘rolling stop’ rule, which would oblige cyclists to act in the following way at stop signs:

*Approaching a stop sign - slow down and, if required for safety, stop before entering the intersection. After slowing to a reasonable speed and yielding the right-of-way if required, the cyclist may cautiously make a turn or proceed through the intersection without stopping.*¹⁷⁴

Importantly, this approach addresses a critical safety measure, in that it continues to require cyclists to *stop*, if required for safety, at a stop sign. This suggested wording for the rule also reflects the more recent amendments to the ‘Idaho Stop Law’.

Not all submitters support the introduction of a ‘rolling stop’ rule and others believe it should first be trialled to assess the benefits and safety outcomes for all road users. The AGF for example, does not support the introduction of a widespread ‘rolling stop’ rule, without first trialing the application of this rule:

*One of the key tenets of the road rules in Australia is that we have a known level of predictability about road users. I know that if I come to a stop sign in my car I will stop, and I expect other road users to do the same. I do not know that we have as much evidence as we might like to have to have a widespread Idaho style stop law in Australia. I understand that the premise of the law is sound and I certainly know that in terms of the energy expenditure for you to stop and then start your bike again is something that impacts cyclists much more than other road users. But from the [Amy Gillett] foundation’s perspective, we do not have a position to say that we would support that law at this time.*¹⁷⁵

4.4.1.1 Committee comment and recommendation

Having to come to a complete stop at stop signs does not always work well for cyclists as they lose momentum, which is especially frustrating on quieter streets where there are frequently more stop signs. The Committee has noted the strong support to amend this rule to permit cyclists to treat stop signs as give way signs and has considered the evidence that this approach has not affected safety outcomes in other jurisdictions.

The Committee is appreciative of other broader issues, such as the need for more evidence on the outcomes of implementing a ‘rolling stop’ rule and the need to balance cyclist convenience with safety and community expectations.

However, on balance, the Committee supports the application of a ‘rolling stop’ rule for cyclists at stop signs. The Committee is strongly of the view that cyclists should still stop, where required for safety, prior to proceeding through the intersection when it is safe to do so.

The Committee is therefore recommending that a ‘rolling stop’ approach be applied to stop signs to permit cyclists to treat stop signs as give way signs where it is safe to do so.

Recommendation 18

The Committee recommends that the Minister for Transport and Main Roads amend the relevant Queensland road rules to allow for a ‘rolling stop’ rule which permits cyclists to treat stop signs as give way signs where it is safe to do so.

¹⁷⁴ Submission 90: 23

¹⁷⁵ Transcript 16 October 2013: 10

4.4.2 Turning left on red

QRR section 59: Proceeding through a red traffic light

(1) If traffic lights at an intersection, bicycle crossing or marked foot crossing are showing a red traffic light, a driver facing the red traffic light must not enter the intersection, bicycle crossing or marked foot crossing.

(2) However, if the traffic lights are at an intersection with a left turn on red after stopping sign and the driver is turning left at the intersection, the driver may turn left before the traffic lights change to green or flashing yellow.

Currently, QRR section 59(2) allows a driver to make a left turn on a red light traffic signal *if* the traffic lights are at an intersection with a ‘left turn on red after stopping’ sign. As either an alternative to, or complementary measure to, the ‘rolling stop’ rule (discussed above), the suggestion was also made as part of the Inquiry that the Queensland Government give consideration to specifically allow cyclists to turn left on a red traffic light (after stopping) where it is safe to do so.¹⁷⁶

Submitters argued that there was existing precedent for vehicles to ‘left turn on red permitted after stopping’ noting that such laws to allow vehicles to turn left after stopping already operates in NSW, South Australia, the ACT and the Northern Territory. In the USA, the concept is well-established with many states having had introduced ‘right turns on red’ laws.

To reduce traffic congestion and delays for vehicles at intersections, earlier this year the Gold Coast City Council successfully conducted a ‘turn left on red permitted after stopping’ three month trial involving three intersections at Benowa, Southport and Robina. The trial involved monitoring of the traffic flow, safety and changes as a result of allowing vehicles to turn left on the red light after giving way to other vehicles, pedestrians and cyclists. Signs were displayed reading ‘left turn on red permitted after stopping’.¹⁷⁷ In November 2013, the BCC commenced a six month trial at a number of intersections across Brisbane.¹⁷⁸ If successful, the BCC will consider permanently implementing the ‘turn left on red’ system at those intersections and in other locations.

For cyclists, reasons provided in support of a ‘turn left on red’ system included:

*... changes to road rules to allow cyclists to turn left on the red phase at signalised intersections has the potential to increase efficiency and safety of cycle movement through these intersections by allowing cyclists to move clear of stationary vehicles before the green phase and would be particularly helpful on uphill slopes. Cyclists would still need to give way to all other pedestrian and vehicle movements.*¹⁷⁹

Dr Johnson recently studied the behavioural, attitudinal and traffic factors contributing to red light infringement by Australian cyclists. Of 2061 cyclists surveyed, 37.3% reported that they had ridden through a signalised intersection during the red light phase, and the main reason given was to turn left (32%). The study concluded that it may be appropriate in some situations to permit cyclists to continue through an intersection against a red traffic light, such as to turn left.¹⁸⁰

¹⁷⁶ See submissions 42, 51, 77 and 81

¹⁷⁷ <http://www.goldcoast.com.au/article/2013/09/15/458177>;
<http://www.brisbanetimes.com.au/queensland/turning-left-at-red-light-permitted-in-gold-coast-trial-20121108-28ze6.html> [22 October 2013]

¹⁷⁸ <http://www.adrianschrinner.com.au/News/LatestNews/tabid/67/articleType/ArticleView/articleId/610/Council-to-trial-left-turn-on-red-at-selected-intersections.aspx> [22 October 2013];
<http://www.brisbanetimes.com.au/queensland/brisbane-gets-green-light-to-turn-left-on-red-trial-20131118-2xr7g.html#comments> [19 November 2013]

¹⁷⁹ Submission 77: 4

¹⁸⁰ Johnson, M., Charltona, J., Oxley, J. & Newstead, S. (2013). Why do cyclists infringe at red lights? An investigation of Australian cyclists’ reasons for red light infringement. *Accident Analysis and Prevention*, 50: 840– 847

Further, Dr Johnson provided evidence at the Brisbane Roundtable discussion that the UK is trialing allowing cyclists to turn left on a red light to improve the safety of cyclists following a number of cycling crash fatalities between cars and trucks at intersections.¹⁸¹ Dr Johnson supports such a trial for the following reasons:

... I know from my own research and watching hundreds and thousands of hours of video of people going through intersections that cyclists do feel quite safe to turn left on red. It enables them to clear away from the intersection ahead of that turning vehicle so they are not negotiating that turn at the same time. There need to be caveats around the safety of pedestrians who might be crossing that street that they are turning into. In terms of the cyclist's safety, they are not actually crossing over the path of the cross-traffic, so in that sense there is some theoretical benefit to at least trialling that. Not speaking on behalf of the foundation but certainly as a researcher that would be something that I would be supportive of.

... in terms of what we are talking about specifically here with turning left, if that was to change as the rule—or even if it was to trial at sites where that was clearly signed to other road users that that was permitted—I think that would also contribute to changing the perceptions that drivers have that there is this lawlessness amongst cyclists. So permitting an action that cyclists are already taking that they feel is safe and that potentially is improving their safety, as is seen in other parts of the world, I think is going to not only save the cyclist and improve their safety in that instance but also help to change that cultural perception from drivers.¹⁸²

4.4.2.1 Committee comment and recommendation

The Committee supports, either as an alternative to, or complementary measure to, the 'rolling stop' rule (discussed above), the application of the 'turn left on red permitted after stopping' rule and notes that the practice of allowing vehicles to 'turn left on red permitted after stopping', when it is safe to do so, is already an allowable manoeuvre in other jurisdictions and is being trialled in some areas of Queensland.

The Committee notes from the evidence that the 'turn left on red permitted after stopping' can benefit a cyclist's safety, especially as cyclists will be able to negotiate the turn ahead of a turning vehicle and be clear of the cross-traffic. Importantly, this amendment would require cyclists to first stop before turning left when it is safe to do so. Cyclists would be required to give way to pedestrians.

Recommendation 19

The Committee recommends that the Minister for Transport and Main Roads amend the relevant Queensland road rules to allow a 'left turn on red permitted after stopping' rule for cyclists at red lights.

¹⁸¹ Transcript 16 October 2013: 10

¹⁸² Transcript 16 October 2013: 11

4.5 QRR review - riding across a road on a crossing

QRR section 248 No riding across a road on particular crossings

(1) *The rider of a bicycle must not ride across a road, or a part of a road, on a children's crossing or a pedestrian crossing.*

(2) *The rider of a bicycle must not ride across a road, or a part of a road, on a marked foot crossing, unless—*

(a) if there are bicycle crossing lights at the crossing—

(i) the rider is, under this regulation, permitted to ride on the crossing; and

Note—See sections 260 to 262 in relation to circumstances in which a rider of a bicycle is permitted to cross a road at bicycle crossing lights.

(ii) the rider—

(A) proceeds slowly and safely; and

(B) gives way to any pedestrian on the crossing; and

(C) keeps to the left of any oncoming rider of a bicycle or person who is using a personal mobility device; or

(b) if there are no bicycle crossing lights at the crossing—

(i) a pedestrian is, under this regulation, permitted to cross on the crossing; and

Note—See section 231 in relation to circumstances in which a pedestrian is permitted to cross a road at pedestrian lights.

(ii) the rider—

(A) proceeds slowly and safely; and

(B) gives way to any pedestrian on the crossing; and

(C) keeps to the left of any oncoming rider of a bicycle or person who is using a personal mobility device.

(3) In this section—pedestrian does not include a person using a personal mobility device.

QRR section 81 Giving way at a pedestrian crossing

(2) A driver must give way to any pedestrian on a pedestrian crossing.

At the public departmental briefing on 18 June 2013, TMR advised that it intended to change the law to allow a cyclist to ride across a signalised crossing. TMR explained this change was in response to feedback about the lack of continuity of a cyclist's trip where a rider is frequently required to dismount and walk across signalised crossings.¹⁸³ From 4 October 2013, (consistent with the Australian Road Rules [ARR]) the QRR for cyclists were amended to allow a cyclist to ride across a signalised crossing provided they:

- proceeded slowly and safely and
- gave way to any pedestrian on the crossing and
- kept to the left of any oncoming rider of a bicycle or person who is using a personal mobility device.¹⁸⁴

However, cyclists must still dismount from their bicycle and walk across a pedestrian crossing (Zebra) or children's crossing. A number of submitters argued that, for consistency and safety reasons, QRR section 248(1) should be changed to allow a cyclist to ride across a pedestrian crossing.¹⁸⁵ Brisbane CBD BUG submitted that the road rule is a *clear demonstration of not being relevant to the safety amenity needs of cyclists*.¹⁸⁶ Another submitter, Mr Russell, suggested that where non-signalised crossings are mixed with signalised crossings, the current rule is confusing for motorists as cyclists must walk their bicycles across a zebra crossing, but are permitted to ride across a signalised crossing.¹⁸⁷ In their submission, Brisbane CBD BUG gave an example of Centenary bicycle lane, which

¹⁸³ TMR, Transcript 18 June 2013: 5

¹⁸⁴ Transport Operations (Road Use Management—Road Rules) Regulation 2009: 256-7

¹⁸⁵ See submissions: 32, 38, 42, 44, 55, 58, 70, 75, 77, 81, 90, 91, 98, 100, 101, 105 and 106

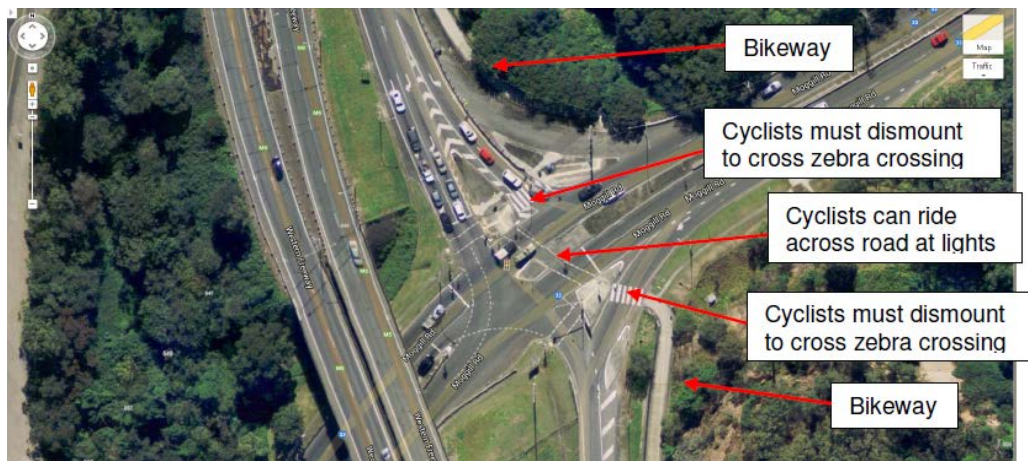
¹⁸⁶ Submission 90: 12

¹⁸⁷ Submission 70: 5

encounters a mix of signalised and non-signalised crossings at the Moggill Rd, Indooroopilly, intersection (See Figure 6 below). If cyclists follow the road rules at this intersection, they would:

- 1) have to dismount at the zebra crossing to traverse a motorway on/off-ramp,
- 2) could then remount and ride across Moggill Road via the cyclist crossing lights; and
- 3) then have to again dismount at the second zebra crossing to traverse the other motorway on/off-ramp.¹⁸⁸

Figure 17: Mix of signalised and non-signalised crossings (Centenary Cycleway and Moggill Rd, Indooroopilly)



Source: Submission No. 90: 13

TMR has, along with other jurisdictions, considered the option of permitting cyclists to ride across pedestrian crossings. TMR advised the Committee that the option was not supported due to a number of safety issues identified that could lead to increased conflict between a motor vehicle and cyclists, for example:

- *cyclists might emerge from a shared path onto a road at speed, giving drivers little notice and opportunity to stop*
- *drivers approaching a zebra crossing may not notice a cyclist travelling along a footpath, and not know whether the cyclist was about to turn onto the crossing.*¹⁸⁹

¹⁸⁸ Submission 90: 12

¹⁸⁹ TMR, Correspondence, 15 November 2013: 1

4.5.1 Committee comment and recommendation

The Committee has noted that QRR section 248(2) permits cyclists to cycle across pedestrian crossings situated at traffic lights, however, QRR section 248(1) does not permit cyclists to cycle across a pedestrian crossing (zebra) or children’s crossing. The Committee believes that the different requirements contained in this rule could potentially lead to confusion and serious safety consequences for both motorists and cyclists.

The Committee has noted TMR’s reasons for not making an amendment to allow cyclists to ride on non-signalised crossings, especially the safety concerns that cyclists may not give motorists sufficient warning of their intention to ride on the crossing and, that this may further exacerbate tensions between cyclists and other road users. However, the Committee is of the view that cyclist are just as visible as pedestrians and, in similar to the way that pedestrians normally do, cyclists should first slow down to look for oncoming traffic, and where required for safety, stop before proceeding slowly and safely across the crossing (rolling stop approach). (For further discussion on the rolling stop see discussion in section 4.4 of this Report).

The Committee is, therefore, recommending that QRR section 248 be amended to permit a cyclist to cycle across a non-signalised crossing.

In keeping with this recommendation the Committee also recommends that QRR section 81 (giving way at a pedestrian crossing) be amended to oblige drivers to give way to cyclists on a pedestrian crossing.

Recommendation 20

The Committee recommends that the Minister for Transport and Main Roads amend the Queensland road rule section 248 to permit cyclists to ride on a pedestrian crossing (Zebra) or children’s crossing *provided* the cyclist approaching the crossing:

- a) first slows down, as near as practicable to, but before reaching, the stop line at the crossing; and where required for safety, stop, and
- b) proceeds slowly and safely; and
- c) gives way to any pedestrian on the crossing; and
- d) keeps to the left of any oncoming rider of a bicycle or person who is using a personal mobility device.

The Committee also recommends that the Minister amend Queensland road rule section 81 so that a driver must give way to cyclists using a pedestrian crossing or children’s crossing.

4.6 QRR review – speed limits

QRR section 25: Speed Limits

(1) If a speed limit sign does not apply to a length of road and the length of road is not in a speed limited area, school zone or shared zone, the speed limit applying to a driver for the length of road is the default speed limit.

(2) The default speed limit applying to a driver for a length of road is—

(a) for a road in a built-up area—50km/h; or

(b) for a road that is not in a built-up area—100km/h.

4.6.1 Default speed limit in a built-up area

Since 1 February 2003, the default speed limit in a built-up area in Queensland has been 50 km/h and 100 km/h for a road that is not in a built-up area (consistent with the ARRs). This is the same in other Australian states and territories, with the exception of WA and the NT. Speed limits are set in accordance with strict guidelines and can be either made by either the Queensland Government or local governments depending on the road.¹⁹⁰

Many submitters and witnesses argued that speed limits should be lowered to between 30 km/h and 40 km/h on a road in a built-up area to improve the safety of vulnerable road users (cyclists and pedestrians).¹⁹¹ Research indicates that lower speed limits correspond with reduced trauma, and vulnerable road users are more likely to benefit.¹⁹² Reduced speed limits for vehicles can potentially increase cycling participation in two ways: *by increasing the speed of bicycling relative to the speed of driving, and by increasing the safety of bicycling.*¹⁹³

TMR, as the lead agency for cycling in the context of transportation, includes road safety-related concerns as part of its strategies such as Queensland Road Safety Action Plan 2013–2015 and Speed Management Strategy 2010–2013. In particular, the Queensland Road Safety Action Plan includes TMR initiatives to make Queensland’s roads safer through new actions and the maintenance of ongoing work to reduce the number of crashes and improve safety on all roads over the next two years.¹⁹⁴ A key priority action is to *undertake a statewide speed limit review, to assess current speed limit setting processes and review up to 100 nominated roads.*¹⁹⁵ TMR has completed its consultation process and is currently compiling a list of priority roads, with any speed limit reviews and related speed zone changes to be conducted in 2014.

4.6.1.1 Committee comment and recommendation

The Committee notes that a number of submitters supported lowered speed limits for motorists and acknowledges the evidence received during the Inquiry that the safety of roads users, especially vulnerable road users, is dependent upon appropriate management of vehicle speeds. The Committee has also noted the view that lower speed limits on roads in a built-up area by improving cyclist safety may also contribute to increased cycling participation rates.

¹⁹⁰ <http://www.tmr.qld.gov.au/Safety/Driver-guide/Speeding/Speed-limits/Speed-limit-review.aspx> [14 November 2013]

¹⁹¹ See submissions 38, 42, 44, 58, 70, 75, 77, 81, 90, 94, 95, 97, 100 and 105

¹⁹² Archer, J., Fotheringham, N., Symmons, M., & Corben, B. (2008). The impact of lowered speeds in urban and metropolitan areas. Monash University Accident Research Centre: xv

¹⁹³ Pucher, J., Dill, J. & Handy, S. (2010) Infrastructure, programs and policies to increase bicycling: An international review, *Preventive Medicine*, 50: 5114

¹⁹⁴ TMR, Queensland Road Safety Action Plan 2013–2015, Queensland Government: 3

¹⁹⁵ TMR, Queensland Road Safety Action Plan 2013–2015, Queensland Government: 7

The Committee notes that the Minister for Transport and Main Roads is currently conducting a state-wide speed limit review, which includes the assessment of current speed limit setting processes, and is therefore not recommending any changes to speed limits while the review process is being undertaken.

However, the Committee is recommending that the Minister consider the impact on cyclists of any changes to speed limits when reviewing transport-related policies and strategies such as the Queensland Road Safety Action Plan 2013-2015 and the Speed Management Strategy 2010-2013.

Recommendation 21

The Committee recommends that the Minister for Transport and Main Roads consider the impact on cyclists of any changes to speed limits when reviewing transport-related policies and strategies, including, for example, the Queensland Road Safety Action Plan 2013–2015 and the Speed Management Strategy 2010–2013.

4.6.2 Speed limits on shared paths

Speed limits on shared paths have implications for the interactions between all road users, but particularly for pedestrians and cyclists. Currently, the speed limit on a path is the same as the speed limit on the road next to the path; however, if the path is not beside a road then a regulatory speed limit sign can be installed for any vehicles that may be allowed on the path (otherwise, the default speed limits would apply).¹⁹⁶ A number of shared paths are subject to speed limits, for example, the Story Bridge is signed at 20 km/h and the Goodwill Bridge at 10 km/h.

The reduced speed limit for shared paths aligns with a comparative analysis of injury arising from bicycle–motor vehicle and bicycle–pedestrian collisions, which suggests that the speed limit for shared bicycle–pedestrian pathways should be set at 10km/h for cyclists.¹⁹⁷

4.6.2.1 Committee comment

The Committee has noted that the speed limit on a path is the same as the road next to the path (unless signed otherwise) and that most signed shared paths have a 10 km/h speed limit for cyclists.

The Committee is not making any recommendations in relation to speed limits on shared paths as it believes the other recommendations it is making in this Report about giving way to the more vulnerable road user will be effective in significantly reducing injuries and fatalities on shared paths.

The Committee does however suggest, in section 8.3.4 of this Report, that cycle infrastructure standards recommend a preferred speed limit for cycling on shared paths for clarity and consistency.

4.6.3 Banning cyclists on roads with a speed limit greater 60km/h

As bicycles are recognised ‘vehicles’ and cyclists are recognised ‘road users’ within Queensland’s legislative framework,¹⁹⁸ all cyclists are currently allowed equal access and right to use Queensland’s road and road related infrastructure. This implies a right to use any road, regardless of speed limit, unless the road has a ‘No Bicycle’ sign or road marking (which typically only applies to a selection of

¹⁹⁶ TMR, Correspondence 14 November 2013: 1

¹⁹⁷ Chong, S., R. Poulos, et al. (2010). Relative injury severity among vulnerable non-motorised road users: Comparative analysis of injury arising from bicycle–motor vehicle and bicycle–pedestrian collisions. *Accident Analysis & Prevention* 42(1): 290-296

¹⁹⁸ Refer sections 11-19 QRR

motorways and tunnel infrastructure across Queensland where it has been deemed unsafe and/or impractical for cyclists to travel on those networks).

Whilst national design standards for transport infrastructure recognise the increased safety risk for cyclists in higher speed motoring environments and advise against cyclists interacting/sharing space on roads at speed limits greater than 60km/h unless physically separated, the national standards do not recommend any limitations on the access of cyclists to higher speed road zones.

Whilst some submissions to the Inquiry contended that cyclists should not be allowed on roads with speed limits greater than 60km/h,¹⁹⁹ evidence suggests this would prove impractical, particularly outside of SEQ where connectivity of cycle networks and destinations may require cyclists travel on higher speed zoned roads.

Submissions also noted that higher speed roads were more suitable to the more confident and skilled cyclist such as the regular commuter cyclist and professional/sport/athlete cyclist who are more aware of defensive riding and road use techniques, whilst the less confident recreational riders would typically chose alternative routes on lower speed streets and/or access pathways as an alternative to riding on higher speed roads.

The Brisbane CBD BUG (amongst others) rejected the approach that cyclists should be banned from riding on roads with a speed limit greater 60km/h on the basis that it would be impractical and would significantly disadvantage commuter cycling relative to motorised transport.²⁰⁰

4.6.3.1 Committee comment

The Committee believes that the disadvantages associated with introducing any new road rule to explicitly prohibit cyclists from using roads with higher speed limits (for example greater than 60km/h) outweigh any possible benefits in relation to road user safety. It also believes such a rule would prove impractical across many regions of Queensland and may act to prevent greater levels of active transport. The Committee therefore does not support the proposal for a new rule.

¹⁹⁹ See submissions 3 and 8

²⁰⁰ Submission 90: 27-28

4.7 QRR review - roundabouts

QRR section 119: Giving way by the rider of a bicycle or animal to a vehicle leaving a roundabout

The rider of a bicycle or animal who is riding in the far left marked lane of a roundabout with 2 or more marked lanes, or the far left line of traffic in a roundabout with room for 2 or more lines of traffic, other than animals, bicycles, motorbikes or motorized wheelchairs, must give way to any vehicle leaving the roundabout.

The basis for this road rule, which is consistent with the ARR, is that it supports the flow of traffic and ensures that slower travelling bicycles do not impede other motorised vehicles travelling through the roundabout, thereby minimising the opportunities for conflict/impact between motor vehicles and cyclists. However, submitters have suggested that this rule in practice ‘causes *additional and unnecessary risk for bicycle riders when they are travelling through multi-lane roundabouts*’ on the basis that it is inconsistent with other give way rules leading to uncertainty, impractical for cyclists, difficult to enforce and may encourage unsafe and dangerous behaviour among some motorists.²⁰¹

Further, QRR section 119 may prove redundant should the Minister for Transport and Main Roads agree with the recommendation made below that cyclists merge with other motor vehicles and enter the roundabout from the centre of the lane, also referred to as cyclists ‘controlling the lane’. (See section 8.3.5 of this Report for further discussion on roundabouts).

A number of the road rules governing road user requirements (inclusive of vehicle drivers and bicycle riders) on roundabouts, as covered in Part 9 Roundabouts (sections 109 - 119) in the QRR, will require review and amendment to provide cyclists equal right of way as vehicle drivers.

4.7.1 Committee comment and recommendations

The Committee is of the view that Queensland road rule section 119 relating to the requirement for cyclists to give way to a vehicle leaving a roundabout does not promote cyclist safety on roundabouts, and may be redundant. Therefore the Committee believes this rule should be removed from the Queensland road rules.

The Committee has also determined that Queensland road rules sections 100 – 119 relating to roundabouts require review and amendment to provide cyclists equal right of way to other road users whilst entering, travelling through and exiting a roundabout.

Recommendation 22

The Committee recommends that the Minister for Transport and Main Roads remove Queensland road rule section 119 ‘Giving way by the rider of a bicycle or animal to a vehicle leaving a roundabout’.

Recommendation 23

The Committee recommends that the Minister for Transport and Main Roads review and amend all Queensland road rules relating to road user conduct/actions on roundabouts to provide for cyclists to enter and exit a roundabout from the centre of the lane.

²⁰¹ Submission 90:6

4.8 QRR review – cyclists’ position on a road or path

4.8.1 Keeping to the far left side of a road

QRR section 129: Keeping to the far left side of a road

(1): A driver on a road, other than a multi-lane road, must drive as near as practicable to the far left side of the road.

Whilst this QRR is consistent with the ARR²⁰² it does not provide for the safe sharing of roads between cyclists and other motor vehicles as cyclists are also generally expected to ride in the left hand shoulder of the road. This QRR unnecessarily exposes cyclists to increased risk of drivers approaching them directly from behind. The practical interpretation of this rule means that drivers are taught/expected to ‘hug’ the shoulder of the road lane, rather than the ‘centre’ or ‘centre-right’ of a lane and then may not be equipped with the knowledge or skills to avoid and/or overtake cyclists in a safe manner.

4.8.1.1 Committee comment and recommendation

The Committee believes Queensland road rule section 129 (Keeping to the far left side of a road) does not provide for the safe sharing of roads by all road users and unnecessarily exposes bicycle riders to additional risk. Accordingly, the Committee is recommending that this Queensland road rule be amended so that drivers are not required to drive as near as practicable to the far left side of the road.

Recommendation 24

The Committee recommends that the Minister for Transport and Main Roads amend Queensland road rule section 129 so that motorists are not required to keep to the far left side of the road unless it is impracticable to do so.

4.8.2 Riding two abreast

QRR section S151: Riding a motorbike or bicycle alongside more than one other rider

(1) The rider of a motorbike or bicycle must not ride on a road that is not a multi-lane road alongside more than 1 other rider, unless subsection (3) applies to the rider.

(2) The rider of a motorbike or bicycle must not ride in a marked lane alongside more than 1 other rider in the marked lane, unless subsection (3) applies to the rider.

(3) The rider of a motorbike or bicycle may ride alongside more than 1 other rider if the rider is overtaking the other riders.

(4) If the rider of a motorbike or bicycle is riding on a road that is not a multi-lane road alongside another rider, or in a marked lane alongside another rider in the marked lane, the rider must ride not over 1.5m from the other rider.

QRR section 151 is consistent with the ARR and has been adopted exactly as per the above by every other jurisdiction in Australia. The principle of cycling two abreast is internationally recognised as the standard approach to cyclist safety and is legal in the majority of countries around the world.

A number of submitters supported single file riding.²⁰³ Several submitters recommended that the number of cyclists on training group rides should be restricted. Suggested group numbers range from groups of four to a maximum of 20 cyclists.²⁰⁴

²⁰² National Road Transport Commission, ARR, February 2012: 114

²⁰³ See submissions 3, 8, 9, 20, 24, 26, 49 and 50

²⁰⁴ See submissions 20, 26, 45 and 73

Cycling two abreast is the preferred safety standard for cyclists for a number of reasons as identified by Brisbane CBD BUG, which submitted:

Cycling two abreast is a defensive riding technique adopted to make on-road cycling safer for riders. It means motorists usually have to overtake in a proper manner rather than overtaking in the same lane and squeezing cyclists into the kerb and causing them to crash. Further, if cyclists were required to ride in single file, motorists will often assume they can overtake in places that are not safe and will not leave the cyclist enough room.

Riding two abreast also allows motorists to overtake a group of cyclists in less time, as this reduces the length of the group by about half.

By riding two abreast, cyclists also present a larger body, making it easier for motorists to firstly see them and also correctly judge their distance and speed. This is particularly important in poor visibility conditions.²⁰⁵

4.8.2.1 Committee comment

The Committee does not support any change to Queensland road rule section 151 noting that it is consistent with national and international road rules, and that this approach provides maximum safety benefits to cyclists. The Committee further believes that leaving this rule as it currently stands is complementary to other recommendations relating to minimum distances for overtaking cyclists.

4.8.3 Parking in a bicycle lane

Driving in marked lanes designated for special purposes

QRR section 153 Bicycle lanes

(1) A driver (except the rider of a bicycle) must not drive in a bicycle lane, unless the driver is permitted to drive in the bicycle lane under this section or section 158.

(2) If stopping or parking is permitted at a place in a bicycle lane under this regulation, a driver may drive for up to 50m in the bicycle lane to stop or park at that place.

(3) A driver may drive for up to 50m in a bicycle lane if the driver is—

- (a) driving a bus or taxi; and*
- (b) dropping off, or picking up, passengers.*

(4) A bicycle lane is a marked lane, or the part of a marked lane—

- (a) beginning at a bicycle lane sign applying to the lane; and*
- (b) ending at the nearest of the following—*
 - (i) an end bicycle lane sign applying to the lane;*
 - (ii) an intersection (unless the lane is at the unbroken side of the continuing road at a T-intersection or continued across the intersection by broken lines);*
 - (iii) if the road ends at a dead end—the end of the road.*

Other places where stopping is restricted

187 Stopping in a bus lane, tram lane, tramway, transit lane, truck lane or on tram tracks

(1) A driver must not stop in a bus lane, transit lane or truck lane, unless the driver—

- (a) is—*
 - (i) driving a bus or taxi; and*
 - (ii) dropping off, or picking up, passengers; or*
- (b) is permitted to drive in the lane under this regulation.*

(2) A driver (except the driver of a tram, a tram recovery vehicle or a bus) must not stop in a tram lane, a tramway or on tram tracks.

²⁰⁵ Submission 90: 25-26

Consistent with the ARRs, QRR section 158 provides for drivers to drive in a special purpose lane, such as a bicycle lane,²⁰⁶ for the permitted distance of 50m if it is necessary to avoid a hazard or obstruction, to drop or pick up passengers, or to enter and leave the road.²⁰⁷ However, unlike NSW, SA, WA, the NT, the ACT, and Tasmania, QRR 187 does not restrict stopping (parking) in bicycle lane unless prohibited by signs or road markings.²⁰⁸

A considerable number of submitters requested that cars not be allowed to park in bicycle lanes for safety reasons and to improve relations between cyclists and motorists.²⁰⁹ ‘Dooring’, involving the traffic violation ‘open car door causing danger’ was identified by CARRS-Q as causing approximately 3% of all bicycle-motor vehicle crashes.²¹⁰ Comments made on this included:

*A good example is the bicycle lane on Sylvan Rd, Toowong, Brisbane. Hailed by the council as excellent bicycle infrastructure, much of the lane is in the dooring zone of parked cars.*²¹¹

*Riding in a bicycle lane next to parked cars causes anxiety as there is the potential for a careless driver to open their door into the path of the rider.*²¹²

*... a parked car driver opened his door without any regard to any user on the road.*²¹³

An occupied bicycle lane often means cyclists have to cycle on the transit lane into the path of motorists. Submitters’ comments included:

*Bicycle lanes should be kept clear as measure to both improve road safety and to encourage cycling. Even where the still limited Brisbane bicycle network has resulted in the installation of on road bike lanes, these are commonly rendered unusable by being occupied by parked cars. Cyclists are thereby forced back out into the transit lane and into the path of motorists. Thus, even the parking convenience of motorists is allowed to over-ride the safety of cyclists.*²¹⁴

*If the motor vehicle completely obstructs the bicycle lane, the cyclists is then required to move out into the line of traffic, removing any safety benefit of the bicycle lane. In moving across, the cyclist is also required to give way to any and all traffic within the traffic stream, potentially causing risk and delay to the cyclist.*²¹⁵

*If resources are being spent on setting aside space and paint for on-street bike lanes, they must be free of cars and debris, and also not run out in unsafe locations.*²¹⁶

*A single vehicle blocking a bicycle lane renders the entire lane ineffective and greatly increases the risk of conflict.*²¹⁷

*The current engineering standard of making bicycle lanes 1.5m wide in urban areas with speed limits of 60 km/h means the a parked vehicle mostly or completely obstructs the bicycle lane.*²¹⁸

²⁰⁶ Bicycle lanes are defined as marked lanes designated for special purposes (QRR: 159)

²⁰⁷ QRR, Division 6 Driving in marked lanes designated for special purposes: 159-168

²⁰⁸ Submission 22: 3

²⁰⁹ See submissions 10, 11, 22, 32, 38, 42, 44, 58, 70, 75, 77, 81, 90, 91, 98, 99 and 105

²¹⁰ Submission 80: 22

²¹¹ Submission 22: 6

²¹² Submission 70: 5

²¹³ Submission 11: 1

²¹⁴ Submission 90: 9

²¹⁵ Submission 80: 22

²¹⁶ Submission 99: 2

²¹⁷ Submission 42: 8

²¹⁸ Submission 80: 22

*What should be a comfortable 2.5m wide bicycle lane gets compressed to provide barely 50cm of clearance past the truck door/mirror on a corner.*²¹⁹

As an example, Mr Stanley submitted a photo (below) of parked cars blocking access to a bicycle lane on the Gold Coast. The parked cars leave cyclists no alternative but to ride in the adjacent lane and, therefore, increase the danger for cyclists.

Figure 18: Parked cars in a bicycle lane



(Source: Submission No. 22: 11)

CARRS-Q noted that any limitations on on-street parking could have impacts on road users and others, including on businesses.²²⁰ One option that CARRS-Q suggested is to add a provision to the legislation that specifies that bicycle lanes are clearways during certain times (for example, between 6-9am and 4-7pm – those hours currently used for peak-hour-only bus lanes).²²¹ The Brisbane CBD BUG also suggested the option of banning car parking in bicycle lanes during morning and evening peak travelling times.²²² A submitter, Jennifer Patrick, commented that cars are *often parked in cycle lanes and BAZs, especially during peak hours (for example, on Annerley Rd at Mater Hospital)*.²²³

The Monash Alfred Cyclists Crash Study (MACCS), which examined bicycle crash causation and injury outcome of cyclists presenting to the emergency departments of the Alfred and Sandringham Hospitals, found in their sample that the distribution of crashes by day of week and time of day were more common on weekends and during commuting times.²²⁴

²¹⁹ Submission 44:2

²²⁰ Submission 80: 22

²²¹ Submission 80: 22

²²² Submission 90: 9

²²³ Submission 38: 1-2

²²⁴ Biegler, P., Newstead, S., Johnson, M., Taylor, J., Mitra, B., & Bullen, S. (2012) Report No. 311: MACCS Monash Alfred Cyclists Crash Study. Monash University Accident Research Centre: 26-27

4.8.3.1 Committee comment and recommendation

The Committee believes that separate bicycle lanes are the safer option for cyclists and will encourage more people to cycle because they feel more protected from motor vehicles.

The Committee acknowledges that parking cars in bicycle lanes can compromise the safety of cyclists. To avoid parked cars, cyclists are often required to move into the line of traffic, which removes any safety benefit of the bicycle lane. By moving into the line of traffic, cyclists are also required to give way to any and all traffic, which not only can cause risk to the cyclist, but increase tensions between cyclists and other road users.

While the Committee believes that there is a need to consider some restriction on car parking in bicycle lanes, it has noted the potential impacts of any restrictions of on-street parking on road users and adjacent businesses. To minimise this impact, the Committee is recommending that car parking in bicycle lanes be restricted to the hours the majority of cyclists are on the road, which is, during the morning and evening peak travelling periods and times children are travelling to and from school.

The Committee believes that limiting car parking during peak travelling times will provide better safety outcomes for cyclists and road users.

Recommendation 25

The Committee recommends that the Minister for Transport and Main Roads add a provision to the Queensland road rules to specify that bicycle lanes are clearways between 6-9am and 3-7pm on weekdays.

4.8.4 Riding in a bicycle lane on a road

QRR section 247: Riding in a bicycle lane on a road

(1) The rider of a bicycle riding on a length of road with a bicycle lane designed for bicycles travelling in the same direction as the rider must ride in the bicycle lane unless it is impracticable to do so.

QRR section 247, while consistent with the ARR, causes cyclists concern from several perspectives. Significant evidence was provided in relation to non-standard application and treatment of bicycle infrastructure throughout Queensland, in particular where lanes are frequently short and discontinuous, and in some instances poorly maintained (refer to the infrastructure discussion in section 8 of this Report). Further, Queensland is the only jurisdiction where vehicle parking is permitted in bicycle lanes so riding entirely within the lane is not always practical and brings with it additional risk to cyclist safety (see discussion above). Accordingly submitters contented that a defensive riding position will often best be achieved by riding in the traffic – outside a bicycle lane.²²⁵

4.8.4.1 Committee comment and recommendation

*Noting that the current Queensland road rule provides cyclists with an exemption where riding in the bicycle lane is considered ‘impractical’ and that the Committee has made recommendations to (a) improve the standards for on road bicycle infrastructure and (b), prevent vehicles parking in cycle lanes during peak traffic periods, the Committee is comfortable with the current road rule, and recommends only a minor change to the rule, replacing the words **MUST** ride in the bicycle lane with **SHOULD** ride in the bicycle lane.*

²²⁵ Submission 70: 7

Recommendation 26

The Committee recommends that the Minister for Transport and Main Roads amend Queensland road rule section 247 ‘Riding in a bicycle lane on a road’ as follows:

(1) The rider of a bicycle riding on a length of road with a bicycle lane designed for bicycles travelling in the same direction as the rider should ride in the bicycle lane unless it is impracticable to do so.

4.8.5 Bicycle storage areas**QRR section 247A Entering a bicycle storage area**

A rider of a bicycle approaching a bicycle storage area at an intersection that has traffic lights or traffic arrows showing a red traffic light or red traffic arrow must not enter the bicycle storage area other than from a bicycle lane, unless the rider is not required to ride in the bicycle lane under this regulation.

A number of submitters supported a change in relation to QRR section 247A to remove the stipulation that a cyclist must enter a bicycle storage area via a bicycle lane.²²⁶ The Committee was advised by TMR at the Committee’s public briefing that it was proposing a change to QRR section 247A so that a *bicycle lane does not need to lead into a bicycle storage area* on the basis that there is often not the physical space on the road network for putting in a cycle lane, and, to improve road access for cyclists.²²⁷ This amendment has recently been made to the QRR.

4.8.5.1 Committee comment

The Committee has noted the recent advice by TMR that bicycle storage areas have been progressively put in place throughout Queensland since they were first introduced in 1999 and that Queensland road rule section 274A was recently amended so that a bicycle storage area does not need to have a bicycle lane leading into it.²²⁸ The Committee is not making any recommendation regarding this road rule.

4.8.6 Riding on a path**QRR section 288 (1): Driving on a path**

A driver (except the rider of a bicycle) must not drive on a path, unless subsection (2) or (3) applies to that driver.

(6) in this section – path means a bicycle path, footpath or shared path.

In this case additional provisions for the conduct of cyclists whilst cycling on paths are also relevant and include:

QRR section 249 Riding on a separated path

The rider of a bicycle must not ride on a part of a separated footpath designated for the use of pedestrians.

QRR section 250 Riding on a footpath or shared path

(1) Subject to subsection (1A), the rider of a bicycle riding on a footpath or shared path must—

- (a) keep to the left of the footpath or shared path unless it is impracticable to do so; and
- (b) give way to any pedestrian on the footpath or shared path.

QRR section 251 Riding to the left of oncoming bicycle riders or device users on a path

The rider of a bicycle riding on a bicycle path, footpath, separated footpath or shared path must keep to the left of any oncoming bicycle rider, or person using a personal mobility device, on the path.

²²⁶ See submissions 55, 100, 105 and 106

²²⁷ TMR, Transcript 18 June 2013: 5

²²⁸ TMR, Correspondence 6 November 2013: 1

Queensland is one of only two Australian states and territories that legally allow cyclists to cycle on footpaths. A number of submitters supported the existing road rules that allow cyclists to cycle on footpaths.²²⁹ Brisbane CBD BUG submitted that this exemption in Queensland is essential for cycling’s growth and that any reduction in the current entitlement of Queensland cyclists to ride on the footpath would have an immediate and damaging effect on the number of people cycling’.²³⁰

4.8.6.1 Committee comment

The Committee has noted that the right of cyclists to share footpaths with pedestrians including mobility impaired people has raised some concern from pedestrian groups in Queensland. However, an examination of injury and crash statistics shows there is very little evidence to suggest that cyclists pose a safety risk to any other path users.

The Committee is of the view that the interaction between cyclists and other path users is best addressed through adequate provision of path infrastructure that meets design standards and provides sufficient space for all users of the path (refer to the infrastructure discussion in section 8 of this Report).

Accordingly the Committee does not support any change to the existing rules inclusive of section 288 and section 249-251.

²²⁹ See submissions 38, 75, 76, 80, 90 and 99

²³⁰ Submission 90:26

4.9 QRR review - equipment on a bicycle

4.9.1 Requirement of a bell (or horn) on a bicycle

QRR section 258: Equipment on a bicycle

A person must not ride a bicycle that does not have—
 (a) at least 1 effective brake; and
 (b) a bell, horn or similar warning device in working order.

Currently, consistent with the ARRs, a bicycle must have at least one effective brake and a bell in working order. During the Inquiry, some submitters suggested that QRR section 258 be amended to remove the need for compulsory attachment of a working bell on bicycles.²³¹ Most argued that the rule is ‘antiquated’ and that most cyclists don’t comply with the rule, as they prefer to articulate their presence by warning a pedestrian on approach, as explained by a submitter to the Inquiry:

*The requirement for a bell or horn is an antiquated rule that should be repealed. Very few race bicycles and not many other types of bicycles even comply with this rule anymore. It adds clutter to the handlebars and bells are useless against motor vehicles and background traffic noise. In an emergency a cyclist is unlikely to get time to use a bell anyway. On off-road shared paths, many pedestrians get irate and think bicycles are abusing them if the bicycle rings its bell as legally required. Many pedestrians will even jump the wrong way when you ring a bell. I’ve found it far more pleasant for all concerned to simply say ‘coming past on the right’ in a nice tone of voice. Then the pedestrian understands I’m not abusing them and they know what side I am going past on.*²³²

Brisbane CBD BUG submitted that QRR section 258 lacks relevance and is not compatible with modern road conditions experienced by cyclists, for example, in some cases a bell may not be heard by motorists because they have the car windows up and are listening to loud music via car stereo speakers or even headphones.²³³ Rather, they say, cyclists tend to use their voice to warn of their presence on approach to other path users as, based on experience, a vocal warning is less likely to be misinterpreted as an ‘aggressive warning’. A bell or horn is often misinterpreted as an aggressive warning to get out of the way, similar to how some motorists may use their vehicle horns.²³⁴

4.9.1.1 Committee comment and recommendation

The Committee has noted that contemporary road conditions experienced by cyclists are not compatible with some existing Queensland road rules and believes that the mandatory attachment of a bell (or horn) is one such rule.

The Committee acknowledges that warning devices such as bells are sometimes used, or misunderstood as a form of aggression, with the cyclist assuming right of way once the warning has been given. Further, the Committee considers that a vocal audible warning is more likely to be heard by another path user and that the vocal warning can be made in a manner that is more amicable to the recipient.

Removing the requirement for bicycles to have a bell (or horn), is not intended to remove the requirement for a cyclist to give an audible warning of their presence when approaching or passing a pedestrian or another cyclist.

²³¹ See submissions 75, 88 and 90

²³² Submission 75: 49-50

²³³ Submission 90: 23

²³⁴ Submission 90: 23

The Committee recommends that the Minister for Transport and Main Roads remove the requirement for a bicycle to have a bell (or horn) and that the Minister amend the Queensland road rules to include a new requirement for cyclists to give an audible warning of their presence as near as practicable to, but before reaching, a pedestrian or a cyclist that they are approaching or passing.

Recommendation 27

The Committee recommends that the Minister for Transport and Main Roads:

- remove the requirement in road rule (section 258) for a bicycle to have a bell in working order and
- insert a new requirement into the road rules that a bicycle rider must give an audible warning of their presence as near as practicable to, but before reaching, a pedestrian or a cyclist they are approaching or passing.

4.9.2 Requirement to display a bicycle light

QRR section 259: Riding at night

The rider of a bicycle must not ride at night, or in hazardous weather conditions causing reduced visibility, unless the bicycle or rider displays—

- (a) a flashing or steady white light that is clearly visible for at least 200m from the front of the bicycle; and*
- (b) a flashing or steady red light that is clearly visible for at least 200m from the rear of the bicycle; and*
- (c) a red reflector that is clearly visible for at least 50m from the rear of the bicycle when light is projected onto it by a vehicle's headlight on low-beam.*

The QRR require cyclists, when riding at night or in weather conditions with reduced visibility, to display on their bicycle or themselves a flashing or steady white light that is clearly visible for at least 200 metres from the front and rear of the bicycle (this is consistent with the ARR).

A number of submitters advocated for this requirement be extended to require cyclists to display a flashing or steady light (front and rear of the bicycle) *at all times*.²³⁵ The basis for this suggested amendment is to better protect the cyclist by making them more visible to an oncoming or approaching motorist.²³⁶ Stephen Byrnes submitted:

*Bicycles be compelled to be equipped with a light at the front of the bicycle and that this light be operating whenever the bicycle is in use. I note motor cyclists must abide by this condition. Bicycles be compelled to be equipped with a rear red flashing light to be in operation whenever riding. Some cyclists wear dark clothing and blend in with the background. Even during daylight hours they can be difficult to sight. I had this experience recently but, as the cyclist had such a rear flashing light, I noticed the flashing light before I noticed the cyclist.*²³⁷

A recent study by MUARC found that the *use of bicycle lights was found to significantly predict lower injury severity resulting from a crash, independent of time of day* and concluded that *increased cyclist visibility plays a preeminent role in mitigating the gravity of injury outcomes from bicycle crashes*.²³⁸

²³⁵ See submissions 3, 7, 48, 49, 53, 85, 88, 89 and 97

²³⁶ Submission 97: 5

²³⁷ Submission 49: 1

²³⁸ Biegler, P., Newstead, S., Johnson, M., Taylor, J., Mitra, B., & Bullen, S. (2012) Report No. 311: MACCS, MUARC: x

A Queensland University of Technology study, which examined cyclist visibility and the use of visibility aids in crashes involving cyclists and motorists, found many of crashes were reported to be due to the driver not seeing the cyclist in time to avoid a collision. Of the 99 total crashes (accidents which resulted in a collision rather than a near miss), 63 (nearly two-thirds) were reported as being the result of the driver not seeing the cyclist in time to avoid the collision.²³⁹

According to a large-scale trial conducted by Reelight in collaboration with City of Cyclists, Odense, TrygFonden and traffic researchers at Aalborg University, the use of permanent battery-free bicycle lights were shown to reduce accidents by 32% while 60% of the participating cyclists felt safer than before they used the lights.^{240, 241}

4.9.2.1 Committee comment and recommendation

The Committee has noted the evidence, including the study that showed a high proportion of motorists involved in a crash with a cyclist have claimed they did not see the cyclist. Therefore, the Committee supports the display of lights on a bicycle (or on a cyclist) at all times (rather than only at night and in weather with reduced visibility) on the basis that this will contribute to making a cyclist more visible. The Committee is recommending that the Minister for Transport and Main Roads amend Queensland road rule section 259 accordingly.

As part of its consideration of Queensland road rule section 259, the Committee was made aware of some concerns regarding the adequacy of the current standard of lights used on bicycles. The Committee, however, believes that the current light provision contained in road rule section 259, which requires a light to be clearly visible for at least 200 metres, is adequate.

Recommendation 28

The Committee recommends that the Minister for Transport and Main Roads amend Queensland road rule section 259 to make it compulsory for a flashing or steady light that is clearly visible for at least 200 metres to be displayed on the front and rear of a bicycle, or the cyclist, at all times.

²³⁹ Wood, J., M., Lacherez, P., F., Marszalek, R., P., & King, M. J. (2009) Drivers' and cyclists' experiences of sharing the road : incidents, attitudes and perceptions of visibility. *Accident Analysis and Prevention*, 41(4): 772-776

²⁴⁰ Submission 89: 2

²⁴¹ 2000 cyclists in the Municipality of Odense cycled for one year with Reelight lights, while 2,000 others continued to use their ordinary bike lights which were only switched on after dark (<http://www.reelight.com/the-benefits/always-visibl/>) [14 November 2013]

4.10 QRR review – road rule development process

In 1999 Queensland, along with each Australian state and territory government, adopted the ARR into state legislation to provide for uniformity across Australia in relation to road rules. The ARR contain the basic road rules for motorists, motorcyclists, cyclists, pedestrians, passengers and other road users. The ARR now form the basis of the road rules in each state and territory but, as model laws,²⁴² they have no legislative force of their own.²⁴³

To a large extent, each state and territory has adopted the ARR into their own laws, but not every provision of the rules has been copied exactly in each state and territory. There are also a number of provisions that specifically leave certain matters to state and territory governments to determine.²⁴⁴ The road traffic authorities in each state or territory must agree to any significant changes to the ARR and once the ARR have been amended, these changes are then incorporated in the legislation of each state and territory. Each state and territory government can also bring their own proposed new road rules to the attention of the Standing Council on Transport and Infrastructure (SCOTI) for consideration. Alternatively, a state or territory government can introduce their own road rules. For example, the QRR uniquely permit cyclists to ride on footpaths.

When considering new road rules, TMR looks at:

- how practicable it will be to operate for the cyclist
- how enforceable a particular road rule will be by the Queensland Police Service
- how successful it may be in achieving the policy intent.²⁴⁵

According to CBD Brisbane BUG, the road rules development process is a major cause of the current problems for cyclists and other vulnerable road users as the process is:

- *highly bureaucratic (in being focused on process rather than outcomes)*
- *lacking public transparency (changes have been announced without public input)*
- *stifling innovation and the adoption of international best practice (through requiring a consensus between jurisdictions before changes can this occur).*²⁴⁶

The National Transport Commission is currently in the second stage of a strategic review of the ARR to determine whether any improvements can be made to the ways in which the rules are developed and implemented. A final evaluation report with recommendations will be considered by all Australian state and territory transport ministers.

²⁴² This approach allows jurisdictions to adapt the model to suit their circumstances (including their regulatory system), legal conventions and political priorities, without necessarily creating inconsistencies among jurisdictions.

²⁴³ NTC web site, *Australian Road Rules*. <http://www.ntc.gov.au/viewpage.aspx?documentid=00794> (14 November 2013).

²⁴⁴ The Road Rules have been adopted or re-enacted with some local state and territory variations by the following: Road Transport (Safety and Traffic Management) Regulation 2000 (ACT); Traffic Regulations 1999 (NT); Road Rules 2008 (NSW); Road Traffic Act 1961 (SA); Road Rules 2009 (Tas); Road Safety Road Rules 2009 (Vic); and Road Traffic Code 2000 (WA).

²⁴⁵ TMR, Transcript 18 June 2013: 6

²⁴⁶ Submission 90: 25

4.10.1 *Committee comment and recommendation*

In this Report, the Committee has recommended that the Minister for Transport and Main Roads amend and introduce a number of new Queensland road rules. The Committee is of the strong view that its recommendations should be implemented independently of whether they are agreed to nationally through the national road rule process.

The Committee is also of the view that the Minister should, where appropriate, submit the road rule amendments recommended in this Report to the Standing Council on Transport and Infrastructure for consideration as part of the national road rule development process.

Recommendation 29

The Committee recommends that the Minister for Transport and Main Roads implement the recommendations contained in this Report independently of whether they are agreed to nationally through the national road rule process.

5 Vulnerable Road User Protection

5.1 Introduction of Strict Liability or Vulnerable Road User Laws in Queensland

A number of submissions canvassed the introduction of strict liability or vulnerable road user (VRU) laws to govern the interaction between cyclists and other road users. There are two aspects to the concept of 'strict liability' in this context:

- The first is in relation to **civil actions** for damages based in the tort of negligence.
- The second is in relation to **criminal offences** contained in road traffic laws where the offender is sanctioned by a penalty, fine or other sentence.

A civil action in negligence seeks to compensate an individual by compelling the wrongdoer to pay damages to the wronged individual. On the other hand, the object of criminal liability is not to compensate but to punish. An offence is a crime against the State and a criminal prosecution is not aimed at remedying an injury that may have been caused to an individual but, rather, at ensuring the offender pays a penalty in order to protect the population as a whole.²⁴⁷

As Mr Luke Murphy, a solicitor in private practice and member of the QLS Accident Compensation and Tort Law Committee, commented at the Roundtable discussion:

*I think it is essential that we separate the criminal prosecutions from the civil claims.*²⁴⁸

Accordingly, the Committee has considered the possibility of introducing strict liability, or a variation thereof, in terms of, firstly, how it could apply in the context of civil claims in negligence, and secondly, how it could apply in terms of criminal offences.

5.2 Civil claims – strict liability in the context of motor vehicle collisions

5.2.1 Overview

Generally, the basis for liability in common law negligence actions is that someone is at fault. If a person seeks to bring an action for damages, a defendant will be liable if the defendant has acted in a way that is considered to be negligent in law.

Currently, in Australia and in many other jurisdictions, if a cyclist or a pedestrian is hit by a motor vehicle and wishes to seek damages from the driver (or, in reality, the driver's insurance company), the cyclist/pedestrian has to show, and has the burden of proving, that the driver was negligent or reckless. It has to be proved to the court, on the balance of probabilities (that is, that it is more likely than not) that the driver did not exercise reasonable care in all of the circumstances and such failure caused the injury to the cyclist/pedestrian. Thus, establishing liability on the part of the driver depends upon whether the cyclist/pedestrian can prove fault.

However, where the notion of '**strict liability**' arises, liability will be imposed regardless of any fault on the part of the defendant. The defendant has to prove that he or she is *not* responsible for the damage that occurs rather than the plaintiff having to show that the defendant *is* responsible for such damage.

²⁴⁷JG Fleming, *The Law of Torts*, 9th ed., LBC Information Services 1998: 3-4, 5

²⁴⁸Transcript 16 Oct 2013: 8

5.2.2 Submissions

Some submissions to the Committee have raised the idea of introducing a civil law strict liability concept in the context of interactions between drivers and cyclists to promote cyclist safety.²⁴⁹ As noted above, under a strict liability regime it is presumed that the driver of the motor vehicle, due to the very speed and weight of the vehicle vis-à-vis a cyclist, is responsible for the collision. Rather than the cyclist having to prove that the driver was at fault, the driver would have to show that he or she was *not* to blame for the collision.²⁵⁰

CARRS-Q comments in its submission:

Strict liability laws have also been proposed to improve cyclist safety. Under these laws, motorists are assumed liable for collisions involving vulnerable road users (and cyclists if a rider collides with a pedestrian) until proven otherwise. They have been introduced in many European countries and similar laws are in place in parts of North America, but there are no published evaluations of the effects of these laws on cycling safety.

....

Strict Liability applies to collisions involving vulnerable road users (pedestrians and cyclists). This approach establishes a hierarchical structure to identify responsibility in the event of a road traffic crash, whereby motorists are assumed liable for collisions involving vulnerable road users (until proven otherwise). Under the hierarchy established, a cyclist would be deemed to be at fault if a rider collided with a pedestrian.

Strict Liability is only concerned with civil law, and only refers to financial responsibility (who will pay for the damage).²⁵¹

CARRS-Q also pointed out that the extent to which vulnerable road users would be regarded as having contributed to the collision would depend upon the person's age. If the vulnerable road user is seen as having attained an 'age of responsibility' (which varies according to jurisdiction), then the road user might be held partly responsible for the collision.²⁵² CARRS-Q noted that strict liability laws for VRUs exist in Ontario in Canada, and a number of European countries and there are only five European Union (EU) countries that do not have such laws, including Ireland and the United Kingdom.²⁵³

Bicycle Transport Alliance, in its submission titled "It's a Jungle Out There", summarised the approach along the following lines:

The Vulnerable User Law can be explained quite simply in the legislation—the person operating the heaviest vehicle is responsible to operate their vehicle in such a manner that they are ensuring the safety of the more vulnerable users with whom they are sharing the road. Simply, if a motorist hits a cyclist, the motorist is at fault; if a cyclist hits a pedestrian, the cyclist is at fault.²⁵⁴

²⁴⁹ See for example submissions 36: 4-5, 54: 5, 80: 26-27, 82: 2, and 97: 16

²⁵⁰ See also, Henry Carus, *Strictly speaking - strict liability and motorists*, 2012

²⁵¹ Submission 80: vii & 26-7

²⁵² Submission 80: 27

²⁵³ Submission 80: 27

²⁵⁴ Submission 54: 5

Cycling Queensland also makes the point that a shift in approach would help level the playing field for cyclists who are so badly injured that they are not in a position to provide evidence to support their claim for damages in a civil matter, or assist with the prosecution in a criminal matter:

Another rule that some major overseas countries have adopted or are in the process of implementing is the so called Vulnerable User Rule. The rule is designed to protect the safety and rights of cyclists and pedestrians. It is clear from studies and anecdotal evidence of this Association that in most cases cyclists are vulnerable to personal injury in accidents with motor vehicles. In a lot of cases CQ is aware of the injured rider is not in a position to provide evidence suitable for prosecution of motorists or to claim damages as they are traumatised by the accident, were hit from behind so their recollection of the accident is limited, or the rider so badly injured they are incapable of providing evidence because of the injury which sometimes includes amnesia.

The Association understands that, currently, the burden of proof is on the injured cyclist to prove that the motorist was negligent and that the negligence caused the accident. If the rider cannot satisfy the burden of proof because of their injuries or because of the nature of the accident any action will not be able to proceed.

The effect of the rule provides that in cases where a cyclist is injured in a collision with a motor vehicle, the motorist will be fully liable for the cyclist's injuries unless the motorist can prove that the injuries were caused or contributed to by fault on the part of the cyclist. This is the presumption of liability and would similarly apply to cyclist and motorist in accidents with pedestrians. The reasoning behind the rule can best be summarised in a statement made by Dr Dieter Heskamp in a comment made when similar provisions were being considered in Germany.

"In the legislator's view, the use of a motor vehicle involves an increased risk of causing damage, because of the particular characteristics of motorised traffic (the significant weight of motor vehicles and the possibility of significant speeds). So motor vehicles represent a specific source of danger. When this damage materialises so that damage is caused, the individual who controls the motor vehicle should be liable to make good the damage."

Both potential rule changes will significantly improve the safety of riders particularly if promoted properly through an appropriate education process.²⁵⁵

In its submission, the AGF described the VRU law in terms of a "default driver responsibility law" rather than "strict liability":

Minimum overtaking distance law could be strengthened by the introduction of what is known as default driver responsibility law in Europe, or a Vulnerable User Law. The Vulnerable User Law means the person operating the heaviest vehicle is responsible for operating their vehicle in such a manner that they are ensuring the safety of the more vulnerable users with whom they are sharing the road. Simply, if motorist hits a cyclist, the motorist is at fault; if a cyclist hits a pedestrian, the cyclist is at fault.²⁵⁶

The concept of "default responsibility" was discussed in more detail at the Roundtable discussion. Dr Marilyn Johnson from the AGF explained:

Whilst I understand the comment earlier about the practicalities of enforcing something like strict liability, I think shifting even the terminology to default responsibility is what we are talking about here. It is about making sure that the people who are driving the largest

²⁵⁵ Submission 82: 2

²⁵⁶ Submission 97: 6

vehicles are conscious of their potential to do harm, and having that held to account I think is another part that education can change—to make people more aware of what it means to share the road with bikes.

....

‘Default responsibility’ is really the wording rather than the strict liability. Default responsibility places the responsibility of any crash event with the operator of the larger mass vehicle, whatever that is—and we have discussed that, whether it is trucks and cars, cars and bikes or pedestrians. It is the potential of that larger mass vehicle to cause harm that is at the basis of this default responsibility. There is also the opportunity for people to prove that there were mitigating circumstances on the part of the smaller road user. It is not strict liability in the sense that ‘a crash between a car and a bike occurred, therefore the driver is at fault’; but, rather, that we begin from a point that the responsibility is by default with the larger road user. So there are subtleties in the language that mean that it is really about a starting point and then whose onus it is to prove what those circumstances may or may not have been, which is a reverse of what we have at the moment where the onus is upon the smaller road user, in this case the bicycle rider, to provide evidence of those crash occurrences and the responsibility of the driver. That is the shift that that default responsibility would effect.²⁵⁷

The Committee also notes the following comments made by the AGF in its paper titled “Holding Drivers to Account” provided to the Committee on 12 November 2013 at the Committee’s request during the Roundtable discussion (the AGF’s “Holding Drivers to Account” paper):

Since making our submission in July 2013, we have reviewed and considered the legal and practical implications of a catch-all concept of ‘default driver responsibility’. Within the Westminster system which underpins the law in Australia, the burden of proof rests with the Crown or the state and it is not possible, nor the desired intention, to change this. Thus, the concept of driver responsibility is not the policy intent of our submission.²⁵⁸

The QLS view on the concepts of “strict liability” and “default liability” is that they refer to the same thing:

The Society considers it does not matter whether the issue under consideration is called “Strict Liability” or “Default Liability”. It is clear to the Society that default liability and strict liability are the same.²⁵⁹

The Committee also notes the comments on this topic made by Mr Luke Murphy at the Roundtable discussion:

Can I start by saying that the Law Society’s position in relation to any legislation that reverses the onus of proof is that it is not something that should be undertaken lightly. It is a significant change in the fundamental principles that underpin the legal system. If I can direct my comments primarily to civil cases—I think reversing the onus in a criminal case is not something that the Law Society would support in any circumstances—the support for the proposition that the reversal of the onus works is often drawn from a number of the European nations. There is, though, a fundamental difference in the systems of law: the European nations have primarily an inquisitorial system and not the adversarial system that the common law civil systems have. What that means in practical terms is that the judges in

²⁵⁷ Transcript 16 Oct 2013: 14-15

²⁵⁸ AGF, Holding Drivers to Account, 12 November 2013: 1. The policy framework supported by the AGF relating to introducing a new statutory duty is discussed below.

²⁵⁹ QLS, Information Paper 14 November 2013: 1

the inquisitorial systems have control of the evidence, so it is not the obligation in a civil claim of the party bringing the claim to establish the evidence. The judges in the inquisitorial system are able to direct that evidence be taken and direct that statements be investigated. That makes a significant difference to the ability of parties to respond to allegations that are made, because here, in the adversarial system, witnesses can be subpoenaed but they do not have to speak to either party prior to giving evidence. That makes it extremely difficult, both from a defence point of view and a plaintiff bringing a claim, to know with any certainty what the evidence will be. The inquisitorial system has a much sounder basis on which the reversal of onus can be justified.

In addition, there is already within the common law here a vulnerable road user acknowledgment in that the standard of care that is required of motorists in their interaction with vulnerable road users, whether that be pedestrians or cyclists, imposes a need for greater awareness and a need for better conduct just because of the disproportionate power balance.²⁶⁰

The QLS also provided the following additional information on the topic in its subsequent information paper provided to the Committee on 14 November 2013 after being invited by the Committee during the Roundtable discussion to do so:

Your committee is well aware the Queensland legal system is based on the fundamental principle in criminal prosecutions that everyone is innocent until proven otherwise and in civil litigation that liability is only established once fault is shown. These principles should not, in the Society's view, be altered. To reverse the onus is contrary to these principles.

Any decisions to reverse the onus of proof in legal responsibility is significant. It should only be recommended by the Committee with very careful deliberation and well informed consideration of all issues and consequences that flow from it. The implications of a reversal of the onus of proof for drivers of motor vehicles unfortunately involved in an accident with a cyclist through no fault of their own could be disastrous.²⁶¹

5.2.3 Recent published research

The Committee's examination of these issues involved reviewing a significant body of published research on this topic. The Committee does not propose to summarise the content of this broad review in this Report, however the Committee wishes to note the following:

- The Australian Law Reform Commission (ALRC) recently commented that instances of strict liability are now relatively rare in Australian common law outside contractual and fiduciary obligations. Both of these obligations rest on relationships that, usually, have been voluntarily entered into by the parties. Rather, the trend over the past decade in Australia and overseas has been that tortious liability depends on either intentional or negligent infliction of harm.²⁶² The ALRC comments that defamation law is one such rare example of strict liability in tort at common law.
- A May 2013 article in the *New Zealand Medical Journal* (NZMJ) suggests that little is actually known about how effective vulnerable road user laws are and that any positive impact '*is far from guaranteed*'. The authors argue that the '*possibility of unintended consequences, as well as the time, resources and effort to lobby, enact, publicise, enforce and prosecute under*

²⁶⁰ Transcript 16 Oct 2013: 7

²⁶¹ QLS, Information Paper, 14 November 2013: 1-2

²⁶² Australian Law Reform Commission, Issues Paper 43, paragraph 52, citing a remark by the High Court in *Northern Territory v Mengel* (1995) 185 CLR 307; 341-342

vulnerable road user laws might best be spent elsewhere if the primary aim is to improve road safety.²⁶³

The NZMJ notes, as also does the CARRS-Q submission, that, as at May 2013, no published evaluations of how effective VRU laws were in reducing VRU injury risk.²⁶⁴ In the absence of such studies, the authors consider, from a conceptual standpoint, whether such a law would be likely to have a positive effect. The points made by the authors include:

- VRU laws may not have a huge deterrent effect because, unlike the case with speeding and drink driving, many careless or inattentive drivers may not even realise they are engaging in potentially actionable behaviour or wrongful conduct until after the such behaviour or conduct results in a crash
- some VRUs may feel more protected by the new laws and may be less defensive in a collision scenario
- many drivers may be alienated and threatened by such laws which may carry over to other more effective possible initiatives.²⁶⁵

5.2.4 International approach

The Committee has investigated the situation in many countries around the world which have introduced strict liability, or a variation thereof, in the civil law arena. It appears that most of the countries that have adopted such laws in the civil context tend to be civil code countries situated in Europe, with the exception of Canada which is a common law country. While the Canadian common law jurisdiction is similar to that applied in the Australian courts, care must be taken in attempting to draw analogies with the European countries where the relevant legal system, referred to as a 'Code' or 'Civil' system, is very different from that operating in Australia.²⁶⁶

While the strict liability laws of the Netherlands are the most frequently cited, many other European countries have legislation which creates some form of strict liability for civil compensation claims against drivers of motor vehicles who cause injury to cyclists. Those countries include Austria, Belgium, France, Germany, Greece, the Netherlands, Spain and Switzerland.²⁶⁷

The Cycling Action Plan for Scotland 2013 notes that:

*Strict or presumed liability, under either civil or criminal law, in relation to road traffic accidents is established in many western European countries and in other countries across the world including Australia, New Zealand, India and China. In Europe, France has operated a strict liability policy for road accidents since 1985, Germany, since the early 20th century, Denmark since the mid-1980s, the Netherlands since the early 1990s, and Italy since 1996.*²⁶⁸

²⁶³ H Weiss & A Ward, 'Is it time to advocate for a vulnerable road user protection law in New Zealand?', *New Zealand Medical Journal*, 126(1374), May 2013: 1

²⁶⁴ H Weiss & A Ward, 'Is it time to advocate for a vulnerable road user protection law in New Zealand?', *New Zealand Medical Journal*, 126(1374), May 2013: 5

²⁶⁵ H Weiss & A Ward, 'Is it time to advocate for a vulnerable road user protection law in New Zealand?', *New Zealand Medical Journal*, 126(1374), May 2013: 5

²⁶⁶ As noted by the Queensland Law Society in its paper of 14 November 2013: 2-3 and in Transcript 16 October 2013, for example, see Dr King's comments: 16 and Mr Murphy's comments: 7

²⁶⁷ Fedtke, J., (2003), *Strict Liability for Car Drivers in Accidents Involving "Bicycle Guerrillas"?* Some Comments on the Proposed Fifth Motor Directive of the European Commission, *The American Journal of Comparative Law*, Vol. 51, No.4: 941-957

²⁶⁸ Transport Scotland, *Cycling Action Plan for Scotland 2013*, 19 June 2013, Paragraph 3.3

The legislation creating strict civil liability for motor vehicle drivers in road accidents is not identical in each European country.²⁶⁹

An overview of the legislation in several major European countries is given in the 2007 European Parliament report, Compensation of Victims of Cross-Border Road Traffic Accidents in the EU: Assessment of Selected Options. This report distinguishes between three methods adopted by different countries of determining liability:

*[The] first group includes most civil law countries, which adopted strict liability rules for cases of risky activities, including the operation of motor vehicles. Secondly, common law countries such as the UK and Ireland, but also Cyprus, Malta, Portugal and Romania apply a fault-based rule, which requires that the victim proves the negligence or intent of the tortfeasor, the occurrence of damage and the causal link between the defendant's behaviour and the damage occurred. Thirdly, Scandinavian countries – particularly Sweden – have initially introduced strict liability rules (since the 1950s), and have then replaced or integrated such rules with a system based on extensive insurance coverage of damages.*²⁷⁰

In **France**, strict liability applies to the driver or keeper of a motorised vehicle for personal injury compensation. Natural events and third party acts over which the driver has no control are not considered a defence. Also, the defence of contributory negligence by the injured party will only apply where the victim's behaviour is extremely careless (inexcusable fault) and is the sole cause of the accident. Where the victim is a pedestrian and is disabled, elderly or a child, the defence of contributory negligence will only exist for intentional contributions (for example, suicide).

In **Germany**, while the driver is presumed liable for the collision, there is more scope for the courts to take the contributory negligence of the victim into account as well as whether the accident occurred as a result of 'an Act of God'. Contributory negligence does not reduce liability where the victim is a child, which is similar to the French position.

The Netherlands is often held out as the 'leading light' of countries with 'strict liability' laws. Article 185 of the Dutch Road Law makes the driver of the vehicle liable for financial damage unless he or she can prove that the collision was caused 'by circumstances beyond the driver's control' or the cyclist was at fault. If the driver can prove that the incident was caused by the cyclist, the driver will be at least 50% liable, with the remaining portion determined by the court having regard to all the circumstances. However, if the cyclist is a child, the driver will be regarded as 100% at fault. Thus, if one was to frame the above in terms of 'strict liability', then strict liability in the Netherlands exists in terms of cyclists under the age of 14 years. Where the cyclist is older, the driver is not automatically fully responsible.

In **Canada**, it appears that **Ontario** has adopted a variation of 'strict liability' (known as a 'reverse onus') into its common law actions for damages in relation to motor vehicle collisions with cyclists or pedestrians. Section 193(1) of the *Highway Traffic Act 1990* provides, in summary, that where damage is sustained by any person by reason of a motor vehicle, the onus of proof that the damage did not arise through the negligence or improper conduct of the driver etc., of the motor vehicle is upon the driver. However, while there appears to have been few reported cases involving cyclists, it cannot be said that the court will invariably find totally in favour of a plaintiff

²⁶⁹ Fedtke, J., (2003), Strict Liability for Car Drivers in Accidents Involving "Bicycle Guerrillas"? Some Comments on the Proposed Fifth Motor Directive of the European Commission, *The American Journal of Comparative Law*, Vol. 51, No.4: 941-957

²⁷⁰ European Parliament, (2007), *Compensation of Victims of Cross-Border Road Traffic Accidents in the EU: Assessment of Selected Options*: 6-7

pedestrian or cyclist. The reverse onus creates a rebuttable presumption in favour of the cyclist but it does not always lead to fault being found against the driver.²⁷¹

A summary of the system in Sweden is given in the 2007 European Parliament report:

*On the other hand, Sweden adopted strict liability for road traffic accidents since the 1950s, but the system has been de facto replaced since 1975 by an extensive no-fault insurance system for all road accident victims. In the case of bodily injury suffered in motor accidents, the first tier of compensation is paid in the form of co-ordinated benefits through the social insurance system, through pension funds, or through sickness payments by employers. At the second stage (the tort stage) the social insurance benefit payments are deducted from the tort damages awarded. Thus, tort damages represent a small proportion of total compensation paid and are largely in respect of noneconomic loss. Where another driver is alleged to have caused the accident, the insurance company that settles the claim with its insured can invoke its right of subrogation to pursue reimbursement from the negligent driver's insurance company.*²⁷²

5.2.5 Australian approach

Currently, in Queensland, when a cyclist or pedestrian is injured in a traffic accident, the common law principles of negligence apply, subject to certain statutory restrictions. The victim, through civil litigation, must prove that the other person (for example, motorist) acted negligently to cause his or her injury. If the elements of common law negligence can be sufficiently proved, the victim can recover damages which aim to compensate for the harm caused. The victim bears the onus of proving all of the elements in a case in negligence to the civil standard which is on the "balance of probabilities".

"No-fault" motor accident compensation in Australia

A number of Australian jurisdictions have attempted to deal with the harmful consequences faced by persons injured by motor vehicles and the difficulties associated with bringing an action in negligence by introducing various legislative 'no fault' motor accident compensation schemes.

Victoria, Tasmania and the Northern Territory have legislation to provide a 'no fault' compensation scheme for motor accident victims. New South Wales has 'no fault' compensation only in relation to certain limited types of claims. Only a very brief overview is provided here.²⁷³

- **Victoria's** Transport Accident Scheme covers hospital and medical expenses and benefits such as payment, with some limits, for loss of earnings, permanent impairment as well as certain other benefits. Under this scheme, a victim can pursue a court action for negligence only if he or she suffers a serious disability of at least 30% permanent impairment and recoverable damages have some limitations. A successful claim at common law will result in having to repay non-medical expenses received under the scheme.
- The **Tasmanian** no fault scheme is narrower than that operating in Victoria. Benefits include a disability allowance, payments for medical and other expenses. A victim can also bring a common law action but if damages (and there are some limits on damages recoverable) are awarded, benefits already paid under the legislative scheme are taken as being part payment of the damages.

²⁷¹ See for example, *Bartosek v. Turret Realities Inc.*, 2004 CanLII 10051 (ON CA) where the cyclist was found to be 50% contributorily negligent

²⁷² European Parliament, (2007), *Compensation of Victims of Cross-Border Road Traffic Accidents in the EU: Assessment of Selected Options*: 6-7

²⁷³ The information in this section is sourced from P Steward & A Stuhmcke, *Australian Principles of Tort Law*, 3rd ed., Part 1.6

- The **Northern Territory** compensation scheme covers the field and displaces common law actions. Benefits include compensation (up to a limit) for loss of earning capacity and for permanent impairment (a threshold applies), death benefits, medical and other expenses.
- The **NSW** compensation scheme is different. It is not 'no fault' compensation but the legislation provides for claims by victims of 'blameless accidents' and children under the age of 16 years. A 'blameless accident' is an accident not caused by the fault of the driver or owner of the insured motor vehicle. The deeming provision operates to deem the death or injury to a victim of a motor vehicle accident to be caused by the fault of the owner or driver of the vehicle. Thus, a victim injured in a blameless accident, who is not at fault himself or herself, can recover damages from third party insurance. If the victim has been contributorily negligent, damages may be reduced or, if the victim was totally to blame, not paid at all.²⁷⁴

Under the NSW scheme, if the victim is a child under the age of 16, the child can recover 'special entitlement damages' (which have limits on them) arising from an accident where the owner/driver is not at fault, even if the child caused the accident. Thus, the owner/driver is deemed to be at fault regardless but the proviso is that the vehicle must be insured. If the child's conduct amounted to, on the balance of probabilities, a serious offence and materially contributed to the death or injury, the provisions will not apply. However, the special entitlement damages may not be reduced if the child was contributory negligent.

If, in NSW, the victim is not involved in a 'blameless accident' and is over the age of 16 years, unless the *Motor Accidents (Lifetime Care and Support) Act 2006* (NSW) applies, the victim has recourse only to damages at common law (upon which the compensation legislation puts considerable limits).

Queensland, WA and the **ACT** do not have 'no fault' compensation schemes. In these jurisdictions, victims must rely on common law damages. Some jurisdictions have restrictions and thresholds which apply to the right to bring an action and the damages recoverable.

5.2.5.1 *Committee comment*

While a detailed analysis of whether a 'no fault' compensation scheme for victims of motor accidents should be introduced in Queensland is beyond the scope of this Inquiry, the Committee does consider that it would be appropriate for the Queensland Government to consider this issue in detail as part of a separate investigation.

5.2.6 *Conclusion – strict liability in civil actions*

Arguments in favour

The Committee notes that there have been many **arguments raised in favour** of the adoption of strict liability into Australian negligence laws where cyclists and motor vehicles are involved in a collision. These include:

- the driver of a motor vehicle is operating a **heavy, dangerous machine** capable of causing significant damage to a vulnerable road user such as a cyclist
- most drivers have third party **insurance** against such incidents

²⁷⁴ NSW also has special provisions under the *Motor Accidents (Lifetime Care and Support) Act 2006* (NSW) giving lifetime care and support for catastrophically injured victims of motor vehicle crashes in NSW where the vehicle has CTP insurance. The provisions exclude persons who have received damages for the injury.

- a driver knowing that he or she will be automatically liable to the cyclist in damages for any injury caused by the driver will take **all possible precautions** to prevent a collision. Further, the lower number of cyclist fatalities in the Netherlands has been cited as an example of strict liability having a positive effect on driver behaviour.

Arguments against

However, the Committee is also aware that there are **arguments against**, as well as **uncertainties** about, the adoption of strict liability laws, including:

- a May 2013 article in the New Zealand Medical Journal (NZMJ) noted that that there had been **no published evaluations of how effective** strict liability laws are in reducing vulnerable road user injury risk
- the NZMJ authors also considered that a possible but unexplored unintended consequence, is that some **vulnerable road users may feel more protected** by the new laws and, therefore, **less defensive** in a collision scenario
- an interesting point raised by the authors of the NZMJ article is that drivers may feel **alienated** by strict liability laws which could result in such laws receiving little support
- the danger is that this negativity may carry over to drivers being less inclined to support, possibly more effective, initiatives introduced in parallel
- a keen cyclist and commentator on strict liability in **the Netherlands**, Mark Wagenbuur, comments that people outside of the Netherlands seem to think that strict liability laws in the Netherlands make drivers more cautious around cyclists which then encourages more cycling. However, Wagenbuur argues that this view is somewhat of a myth. It is quite unlikely that people will cycle more because they know that their damage will be paid for if they are involved in a collision. The Dutch try to prevent accidents from occurring in the first place by **environmental design**, making the roads safer for everyone, and this is the main impetus for more cycling. Further, he argues, cycling rates had increased even before the strict liability law was passed. Indeed, the Dutch have built a vast network of cycle paths. There are many paths where riders are segregated and, on some roads where space is tight, there are signs saying 'cars are guests'.

5.2.7 *Committee comment*

On balance, after an extensive review of the research and existing laws in Australia and overseas, the Committee is of the view that the adoption of strict liability, or a variation thereof, to the civil law (that is, negligence) framework in Queensland to govern the situation between motor vehicles and cyclists and other vulnerable road users should not be the preferred approach in Queensland at the present time.

However, the Committee believes there could be significant merit in introducing additional penalties and offences into the criminal law framework in Queensland to protect vulnerable road users, as discussed in detail below.

5.3 Examination of criminal penalties

As noted above, an offence is a crime against the State and a criminal prosecution is not aimed at remedying an injury that may have been caused to an individual but, rather, is aimed at ensuring the offender pays a penalty in order to protect the State's public as a whole. This approach is in contrast to a civil action in negligence (discussed above) which seeks to compensate an individual by compelling the wrongdoer to pay damages to the wronged individual. Accordingly, the object of criminal liability is not to compensate but to punish.²⁷⁵

5.3.1 International approach

The Committee investigated the situation in many countries across the globe to ascertain what jurisdictions have instituted criminal penalties for those who cause injury or death to vulnerable road users. It soon became clear during the Committee's review that while Europe and Ontario in Canada have been pro-active in this area in the context of civil actions, the US is leading the way in terms of strengthening criminal penalties for careless or inattentive motorists who cause injury or death to vulnerable road users.

In the US, laws of this nature are generically known as "Vulnerable User Laws" or "Vulnerable Road User Laws". A VRU Law has been defined as:

*A law that raises penalties for automobile drivers who cause an accident with roadway users who are especially vulnerable to being injured or killed by vehicles, such as pedestrians and cyclists.*²⁷⁶

Some, but not all, States in the US have what are either known as 'vulnerable road user' provisions or Vulnerable Road User Laws. In 2008, Oregon became one of the first States to strengthen penalties for careless injury or death of a vulnerable road user. Other States with vulnerable road user legislation include New York, Delaware, Washington, Illinois, Maryland, Massachusetts, Michigan, Nevada, Tennessee, Vermont, and Rhode Island. Some States have introduced but not proceeded to enact such laws. In each jurisdiction, offences are created for negligent or careless driving and if a VRU is injured or killed, the penalty imposed is greater. Penalties typically include a fine, community service or traffic education courses and, less typically, a short term of imprisonment. A more detailed explanation of the situation in the US is set out below.

In **Oregon**, the relevant legislation is the Oregon Vehicle Code, **Chapter 811**, especially Section 811.135, which came into operation in January 2008. A person commits the offence of careless driving if the person drives in a manner that endangers or would be likely to endanger any person or property. It appears that until the above law was passed, Oregon legislation provided only minor penalties for careless driving that injured someone. A lawyer from Portland, Oregon who was instrumental in introducing the vulnerable road user law in Oregon made the following comments on the situation in Oregon prior to 2008:

It was our view that Oregon law was far too lenient in punishing careless drivers who receive merely a fine and are not even required to make a court appearance after a horrific collision. Some police officers and medical personnel have even been heard to argue that people who choose not to ride in a car should expect to have bad things happen because the roadways are so dangerous. To us, tolerating the status quo was not acceptable – it was

²⁷⁵ JG Fleming, *The Law of Torts*, 9th ed., LBC Information Services 1998: 3-4, 5

²⁷⁶ Alan Voorhees, *The 3ft. Law: Lessons Learned from a National Analysis of State Policies and Expert Interviews*, Transport Centre, Rutgers, The State University of New Jersey (USA): 97

*time to change the law and create a zone of protection instead of indifference toward those people brave enough to use their bodies to get around.*²⁷⁷

If the commission of the offence contributes to the serious physical injury or death of a VRU, then, in addition to any penalty imposed for the offence, the court must sentence the offender to complete a traffic safety course and perform 100-200 hours of community service (which includes driver improvement and traffic safety education and activities). The court must also order, but suspend on condition that the offender completes the foregoing requirements, payment of a maximum fine of \$12,500 and suspension of driving privileges for one year.

A VRU is defined to include, but is not limited to, the following:

- a pedestrian
- a highway worker
- a person riding an animal
- a person operating any of the following on a public way, crosswalk or shoulder of the highway: a farm tractor or implement of husbandry without an enclosed shell; a skateboard; skates; a scooter; or a bicycle.

The provision also states that the police officer who issues the citation for the offence shall note on the citation if the offence appears to have contributed to the serious physical injury or death of a VRU.

The new provisions were seen as being a good first step in improving the situation for VRUs. They incorporate a European safety concept into the US legal system, with an enhanced penalty mandating either community service and driver-improvement education, or a substantial fine and a mandatory one-year licence suspension.²⁷⁸

In **New York**, under the August 2010 amendments to the Vehicle and Traffic Law (A07917D), every driver of a vehicle shall exercise due care to avoid colliding with any bicyclist, pedestrian or domestic animal upon any roadway and shall give warning by sounding the horn when necessary. If a driver injures a pedestrian or cyclist while failing to exercise due care, there is a rebuttable presumption that such failure resulted in driving in a manner causing the injury. The maximum fine is \$500 or imprisonment for not more than 15 days, or both. If the injury caused is serious injury, the driver is liable to any of or a combination of the following: a fine of up to \$750 or imprisonment for up to 15 days or required participation in a motor vehicle accident prevention course; licence suspension or a registration suspension. The court can also impose community service.

In **Delaware**, the Senate Bill 269 amended the careless or inattentive driving law in s 4176 of the Delaware Code by increasing the penalty if the careless or inattentive driving contributed to the serious physical injury of a VRU. The penalty imposed can require the offender to perform community service of up to 100 hours or complete a traffic safety course. The court can also impose, but suspend on condition of completion of the foregoing requirements, a fine of up to \$550 and a suspension of driving privileges. The VRU definition is similar to that in Oregon but also includes mopeds and motorbikes. The police officer issuing the citation can make a note of whether the offence contributed to the VRU's injury.

In **Washington**, the Senate Bill 5326 creates a new offence to fill the gap between a 'ticket' offence and a crime by establishing an offence for drivers whose behaviour maims or kills a VRU. The law came into operation in July 2012. A person commits negligent driving in the second degree with a

²⁷⁷ Ray Thomas, "Vulnerable Roadway User: A Useful Legal Concept for Bicycle and Pedestrian Injuries", Swanson, Thomas, Coon & Newton Practice Update

²⁷⁸ Ray Thomas, "Vulnerable Roadway User: A Useful Legal Concept for Bicycle and Pedestrian Injuries", Swanson, Thomas, Coon & Newton Practice Update

vulnerable user victim if, under circumstances constituting such negligent driving, he or she proximately causes the death, great bodily harm, or substantial bodily harm of a vulnerable user of a public way. The person found to have committed negligent driving in the second degree with a vulnerable user victim shall be required to pay a fine of \$1,000 to \$5,000 and have his or her driving privileges suspended for 90 days. However, instead of the foregoing penalties, the offender can choose to personally appear at a hearing and pay a penalty of \$250 and undertake a traffic safety course and perform up to 100 court approved community service hours. If the latter requirements are not fulfilled then the court can impose the fine of \$1,000 to \$5,000 and have the offender's driving privileges suspended for 90 days.

Other US states with VRU offence provisions include: [Illinois](#), [Maryland](#), [Nevada](#), [Tennessee](#), and [Vermont](#).

5.3.2 Evidence presented to the Committee

A number of submissions suggested that the Committee consider recommending either an increase in criminal penalties or introduce new criminal offences aimed at protecting vulnerable road users, rather than introducing strict liability for existing criminal driving offences.

For example, the QLS in its paper dated 12 November 2013 commented on this issue and also referred to the submission of Mr Herron and others:

The significance of the introduction of strict criminal liability for motor vehicle accidents involving cyclists cannot be underestimated. The Society considers that if changes are to be put in place, a more acceptable and more effective approach would be to adopt principles of the nature that were contained in the Rutgers Report to the Department of Transportation, New Jersey (referred to in Submission 36 from Malcolm Herron and others). Mr Herron's submission refers to the report recommending an increase in legal penalties for driving offences involving vulnerable road users. Consideration of whether the current penalty levels are appropriate combined with the adoption of the one metre rule would in the Society's view be a more effective means of implementing a change in conduct of Queensland motorists' interaction with cyclists, which the Society understands to be the committee's objective. Two examples of effective change of this nature are changes made to the seatbelt laws and driving under the influence laws.²⁷⁹

Additionally, the Committee notes that the AGF suggested that model legislation drafted by the League of American Bicyclists could be a useful starting point or template when considering appropriate language for the introduction of new criminal penalty provisions in Queensland.²⁸⁰ The model statute drafted by the League of American Bicyclists is set out below:

Infliction of Serious Injury or Death to Vulnerable Road Users

Section 1. As used herein, the term "vulnerable road user" includes:

- (a) A pedestrian, including those persons actually engaged in work upon a highway, or in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way; or
- (b) A person riding an animal; or
- (c) A person lawfully operating any of the following on a public right-of-way, crosswalk, or shoulder of the highway:
 1. Bicycle;
 2. A farm tractor or similar vehicle designed primarily for farm use;
 3. A skateboard

²⁷⁹ QLS, Information Paper 14 November 2013: 2

²⁸⁰ Amy Gillett Foundation, Holding Drivers to Account, 12 November 2013: 13

	<p>4. Roller skates;</p> <p>5. In-line skates</p> <p>6. A scooter;</p> <p>7. A moped;</p> <p>8. Motorcyclists;</p> <p>9. Horse-drawn carriage drivers;</p> <p>10. A person on an electric personal assistive mobility device; or</p> <p>11. A person in a wheelchair</p>
Section 2.	A person who operates a motor vehicle in a careless or distracted manner and causes serious physical injury or death to a vulnerable user shall be guilty of infliction of serious physical inquiry or death to a vulnerable user.
Section 3.	A person issued a citation under this section shall be required to attend a hearing before a court of appropriate jurisdiction.
Section 4.	<p>A person found to have committed an offense under this statute shall be required to:</p> <p>(a) Have his or her driving privileges suspended for a period of no less than 6 months; and one or more of the following:</p> <p>(b) Pay a monetary penalty of not more than two thousand dollars; or</p> <p>(c) Serve a period of incarceration which may not exceed thirty days; or</p> <p>(d) Participate in a motor vehicle accident prevention course; or</p> <p>(e) Perform community service for a number of hours to be determined by the court, which may not exceed two hundred hours.</p>

Two key attributes of this model statute, as pointed out by the League of American Bicyclists and the AGF, are:

- the comprehensive definition of a VRU (see section 1)
- the requirement that every person who is issued with a “citation” must attend a hearing.

The League of American Bicyclists points out that requiring persons who have injured or killed a VRU to attend a court hearing ensures that they are more aware of the severity of the impact of their actions rather than if they were to simply pay a fine received through the mail.²⁸¹

The Committee notes that the model statute was proposed by the League of American Bicyclists in 2012 and is largely based on the Oregon model. While no state in the US has implemented the model statute in its entirety, the State of **Utah** passed a VRU Law in April, 2013 which includes elements of the model statute.²⁸²

The new **Utah** Vulnerable Road User Law ([SB104](#)):

- defines a vulnerable user of a highway
- prohibits a driver of a vehicle from operating their vehicle within three feet of a vulnerable user of a highway
- provides that a driver may not intentionally, knowingly or recklessly attempt to distract a vulnerable user of a highway for a purpose that is not related to public safety
- includes penalties for distracting a vulnerable user or forcing them off the roadway for reasons not related to public safety.

Under the new Utah law, if a violation to any of these rules is made by a driver, and they result in bodily injury, drivers may be subject to a class B misdemeanour.

²⁸¹ League of American Bicyclists Website, Vulnerable Road User Laws

²⁸² Correspondence between the Committee Secretariat with Mr Ken McLeod, Legal Specialist from the League of American Bicyclists on 12 November 2013

5.3.2.1 Committee comment

The Committee considers the model statute proposed by the League of American Bicyclists could possibly be a starting point for the drafting of an offence provision that could be introduced into the Queensland Criminal Code or other relevant legislation. In the Committee's view, there are a number of improvements that can be made to this draft provision which would make it more suitable in the Queensland context. For example:

- *the definition of "Vulnerable Road User" may need to be amended to better suit the Queensland context*
- *the injury inflicted on a "Vulnerable Road User" need not be "serious" injury for the section to be applicable*
- *section 2 could be re-cast in language more appropriate for a Queensland offence provision*
- *the penalty framework should be made tougher so that the range of penalties includes those that are tougher than section 83 (Careless driving of motor vehicles) of the Transport Operations (Road Use Management) Act 1995 (Qld) and*
- *references to American terminology, such as "incarceration" instead of "imprisonment" would need to be changed to be more appropriate language for the Queensland context.*

5.3.3 Queensland approach

To attempt to determine what additional criminal sanctions might be appropriate to be introduced in Queensland to protect VRUs, the starting point for the Committee is to understand the current criminal laws governing the interaction between motorists and VRUs in Queensland. To this end, the following comments made by the AGF's "Holding Drivers to Account" paper are relevant:

Currently in Australia, including in Queensland, drivers are not found to have committed an offence when, as a result of their actions, or failure to act, a bike rider is killed or seriously injured.

The main reason for this is the non-existence of a statutory driving offence that adequately addresses the circumstances associated with injury or death of a vulnerable road user who is hit by a car.²⁸³

The following existing laws in Queensland do operate, however, to regulate driving behaviour that may impact on cyclists.²⁸⁴

²⁸³ Amy Gillett Foundation, Holding Drivers to Account, 12 November 2013: 4

²⁸⁴ See also the article by Potts Lawyers, Dangerous Driving Offences Qld

Criminal Code provisions

- Dangerous operation of a motor vehicle

Section 328A(1) of the Criminal Code provides:

A person who operates, or in any way interferes with the operation of, a vehicle dangerously in any place commits a misdemeanour. Maximum penalty—\$22,000 or 3 years imprisonment.

- Dangerous operation of a motor vehicle while adversely affected etc.

Under s 328A(2), (3) of the Criminal Code (in summary):

- if the offender at the time of committing the offence is adversely affected by an intoxicating substance; or is excessively speeding or taking part in a dangerous race or unlawful speed trial; or
- has been previously convicted either upon indictment or summarily of an offence against s 328A; the person commits a crime for which the maximum penalty is \$44000 or 5 years imprisonment;
- if the offender has been previously convicted either upon indictment or summarily of an offence against this section committed while the offender was adversely affected by an intoxicating substance; or has been twice previously convicted upon indictment or summarily (or once upon indictment and once summarily) of the same prescribed offence²⁸⁵ or different prescribed offences; the court shall upon conviction, impose as the whole or part of the punishment, imprisonment.

- Dangerous operation of a motor vehicle causing death or grievous bodily harm; or Dangerous operation of a motor vehicle causing death or grievous bodily harm whilst adversely affected

Under s 328A(4) (in summary), if the dangerous operation of (or interference with) the vehicle causes the death or bodily harm to another person, the person commits a crime and is liable on conviction on indictment to:

- imprisonment for 14 years if, at the time of committing the offence, the offender is adversely affected by an intoxicating substance; or excessively speeding,²⁸⁶ or is taking part in an unlawful race or unlawful speed trial; or
- imprisonment for 14 years, if the offender knows, or ought reasonably know, the other person has been killed or injured, and the offender leaves the scene of the incident, other than to obtain medical or other help for the other person before a police officer arrives; or
- imprisonment for 10 years, if neither of the above applies.

²⁸⁵ Defined to mean (in section 328A(6)) an offence against section 328A; or an offence on indictment involving driving/operating a vehicle at a speed causing or likely to cause injury; or an offence against various drink/drug driving provisions of the TORUM Act.

²⁸⁶ Driving more than 40km/h above the applicable speed limit.

Transport Operations (Road Use Management) Act 1995 (Qld)

The *Transport Operations (Road Use Management) Act 1995 (Qld)* (TORUM Act) sets out a number of offence provisions regarding driver behaviour involving carelessness, dangerous driving of vehicles other than motor vehicles, and partaking in speed trials or racing. For example:

- **Section 83** of the TORUM Act provides that driving ‘*without due care and attention or without reasonable consideration for other persons using the road or place is guilty of an offence*’. The maximum penalty is a fine of \$4,400 or 6 months imprisonment.
- **Section 86** of the TORUM Act provides that if a person is convicted under section 328A of the Criminal Code, he or she is disqualified from driving for 6 months (which increases to 9 months or to 1 year or to 2 years according to the circumstances set out in section 86(3A) and (3F)).
- **Section 92** of the TORUM Act provides that, in summary, a driver of a vehicle that is involved in an incident resulting in injury to or death of any person or damage to any property (including any animal in the charge of any person) shall immediately stop the vehicle; and if any person is injured, remain at or near the scene of the incident and immediately render such assistance as the driver can to the injured person; and make reasonable endeavours to obtain such medical and other aid as may reasonably be required for the injured person.²⁸⁷ The maximum penalty if death or injury is caused to any person is \$2,200 or imprisonment for 1 year; or otherwise, \$1,100 or 6 months imprisonment. Driver disqualification can also be imposed if the driver is subsequently convicted upon indictment of any offence in connection with or arising out of the same road incident. Further, if the court is satisfied that the defendant showed a *callous disregard* for the needs of the injured person it shall impose, as the whole or part of the sentence, a period of imprisonment.
- **Section 287** of the Queensland road rules makes similar provision where a driver is involved in a crash requiring the stopping at the scene and giving required particulars to any other driver involved and/or person injured, in the crash and the owner of damaged property. The maximum penalty for non-compliance is a fine of \$2,200. There is a similar obligation to provide specified particulars to a police officer in certain circumstances and the same penalty applies for non-compliance.

5.3.4 Strict liability criminal law provisions in other Australian jurisdictions

When considering the criminal law context, it is relevant to note that in some Australian jurisdictions (for example, NSW and ACT, which are discussed below, but not in Queensland), road traffic legislation creates strict liability offences but certain defences are often available, depending upon the jurisdiction.²⁸⁸

- In **New South Wales** the NSW Road Rules 2008, rule 10-1(2) provides that an offence against the Road Rules is a strict liability offence for the purposes of Chapter 2 of the *Commonwealth Criminal Code*. Rule 10-1 states that a person is not liable if he or she proves to the satisfaction of the court that the offence was the result of an accident or could not have been avoided by any reasonable efforts on the person’s part.
- Sections 4A-4C of the **Australian Capital Territory’s** Road Transport (Safety and Traffic Management) Regulation 2000 is similar in providing that offences against the Regulation are strict liability offences and refers to the *Commonwealth Criminal Code*.

²⁸⁷ If any person is dead or apparently dead, the driver must exhibit proper respect for the person's body and take whatever steps are reasonably practicable to have the body removed to an appropriate place.

²⁸⁸ Halsbury’s Laws of Australia, Road Traffic: 425-500

Apart from the abovementioned strict liability provisions in the ACT and NSW ‘road rules’ legislation, there appears to be no other Australian states or territories that have similar express strict liability provisions.

The introduction of strict liability criminal provisions in the context of interactions between drivers and cyclists was not supported by a number of participants in the Roundtable discussion. See for example, the comments made by Mr Luke Murphy:

*I think reversing the onus in a criminal case is not something that the Law Society would support in any circumstances.*²⁸⁹

Additionally, Mr Mark King, Senior Lecturer of CARRS-Q made the following comments in the context of possibly introducing strict liability in the criminal law framework in Queensland:

*If we start to look at the possibility of doing something on the criminal side, it would be interesting to know why it is that the Europeans have not adopted that but have stuck with the civil.*²⁹⁰

5.4 Examination of statutory duties

In an effort to “think outside the box” for suitable solutions for how best to regulate the interactions between motorists and VRUs such as cyclists, the Committee has reviewed the laws that regulate workplace health and safety laws (WHS laws) in Queensland.

The possible application of laws analogous to Queensland’s WHS laws to the interaction between drivers and VRUs was raised by the AGF’s “Holding Drivers to Account” paper. The AGF provided the Committee with the following background:

It is pertinent to explore approaches to safety reform in other environs in Australia. Workplace safety carries directly relevant parallels.

The recent reforms to work health and safety adopted in Queensland address the shared responsibility for workplace safety by establishing statutory duties across a range of people including workers, employers and owners of workplaces. These reforms were implemented to reduce the incidence of workplace injury and death and may provide a useful model to reduce the incidence of bike rider injury and death on our roads.

The Work Health and Safety Act 2011 (Qld) was introduced to protect workers from workplaces that were not taking their responsibilities seriously. Before the law, when people were injured, it was difficult for people to access compensation. While injured workers could take civil action, the process was expensive, lengthy and stressful. As with injured bike riders, the elements and standard of proof required to successfully bring criminal charges against the employer or owner of the workplace were rarely met. In addition to establishing statutory duties across a range of people including workers, employers and owners of workplaces, the new work health and safety laws establish three categories of penalties for breach of these duties. ...

Modelling a similar law for vulnerable road users would establish a duty for drivers with respect to safety of vulnerable road users. The law would also establish a duty for vulnerable road users with respect to their own safety – for example, complying with other laws such as wearing a helmet, having lights and reflectors on the bike. A failure by a road user to comply with the statutory duty would be a breach.

²⁸⁹ Transcript 16 Oct 2013: 7

²⁹⁰ Transcript 16 Oct 2013: 16

The AGF is concerned that the current system allows drivers' actions to be deemed an 'accident' (e.g. dooring, driving too close) and as a result, drivers are not held accountable when their actions seriously injure or kill a bike rider. The non-accountability associated with an 'accident' or 'mistake' (as opposed to a deliberate action e.g. drink driving, speeding) exposes vulnerable road users to increased risk. All road users need to be clear in the knowledge that a pedestrian or bike rider is more vulnerable in a shared environment. The penalty applied needs to be weighted to reflect this acute vulnerability for all driver actions that cause harm, whether that behaviour is careless, unintentional, deliberately risky or intentional.

The focus is not on penalty for causing an injury but on breach of a statutory duty. This removes the "it was an accident" excuse. It does not matter if it was an accident, the duty exists and has been breached – the penalties reflect the degree of seriousness or culpability involved.²⁹¹

The Committee has investigated the possible adaption of the laws set out in Part 2 of the *Work Health and Safety Act 2011* (Qld) (WHS Act) which establishes the health and safety duties of various persons vis-à-vis workers to motorists' responsibilities vis-à-vis VRUs on the road.

Under the WHS Act, a primary "work health safety" (WHS) duty of care is placed on a person conducting a business or undertaking (PCBU) to ensure the health and safety of workers, so far as is reasonably practicable through various measures such as providing and maintaining a work environment free of risks to health and safety. In addition, there are certain 'upstream' duties placed on designers, manufacturers, importers etc. of plant, structures and substances; duties on officers of a PCBU to exercise due diligence; and duties imposed on workers to take reasonable care for their own health and safety, such as complying with reasonable instructions.

Part 2, Division 5 sets out the various categories of offences for breaches of WHS duties (some exceptions apply) by persons with such WHS duties and the applicable penalties.

- **Category 1:** A breach of a duty involving recklessly exposing another person to a risk of death/serious injury or illness (amounting to a crime).

This offence attracts the harshest maximum penalties: if committed by an individual (for example a worker): \$330,000/5 years imprisonment; if committed by an individual conducting a PCBU or officer of a PCBU – \$660,000 or 5 years imprisonment.²⁹²

- **Category 2:** A breach of duty exposing a person to a risk of death/serious injury or illness. Thus, a person has a health and safety duty under the WHS Act and, fails to comply with that duty, and such failure exposes a person to whom a duty is owed to a risk of death or serious injury or illness.

This offence involves less culpability than a Category 1 offence (that is no jail term). The maximum penalty for an offence is – if committed by an individual –\$165,000; if committed by an individual conducting a PCBU or officer of a PCBU – \$330,000.

- **Category 3:** A general breach of duty/failure to comply with duty without the need for the prosecution to prove exposure of others to risk of death or serious injury or illness. The mere breach of the duty will suffice to attract the relevant penalty.

The maximum penalty for such an offence is: if committed by an individual –\$55,000; if committed by an individual conducting a PCBU or officer of a PCBU – \$110,000.

²⁹¹ AGF, Holding Drivers to Account, 12 November 2013: 3-5

²⁹² The relevant penalties applying to corporations are not included.

Apart from imprisonment and fines, there are other sentencing options available to magistrates or judges under the WHS Act and the *Penalties and Sentences Act 1992* (Qld). Such options include community service, restitution, training orders and undertakings.

5.4.1 Possible adaptation of statutory duties of driver behaviour involving vulnerable road users

The Amy Gillett Foundation has suggested that the Committee consider whether the approach taken to breaches of duties in the workplace context could be adapted to duties applying to road use, particularly regarding VRUs.

As pointed out by the AGF's Holding Drivers to Account paper, there are various road traffic offences under the QRR which pertain to motorists' interaction with cyclists. These include failing to pass a vehicle at a sufficient distance to avoid a collision when overtaking (QRR section 144); causing a hazard to any person or vehicle by opening a door of a vehicle, leaving a door of a vehicle open, or getting off, or out of, a vehicle (QRR section 269(3)). This latter offence is sometimes known as 'dooring'.

The foregoing offences might be recast as 'duties to vulnerable road users'. A duty to ensure the safety of VRUs might be to require a driver of a motor vehicle to eliminate risks to VRUs so far as 'reasonably practicable'. If such elimination is not reasonably practicable, then the duty is to minimise the risks so far as is 'reasonably practicable'.

The AGF summarised the possible application of the laws to the road safety situation as follows:

Drawing upon the work health and safety model, there would potentially be three levels of breach/penalty, with the first two only requiring evidence of failure of duty (using the bike rider and driver in each example below). Even if a driver successfully argued against the third level for dooring on [the] basis that it was not reckless, they could be penalised at level 2 because of failure of duty. Subject to the types of duties imposed by the law, examples of driver actions that could be considered a breach might include failure to allow a minimum of a metre when passing a bike rider, causing a hazard by opening a vehicle door in the path of a bike rider, and turning in front of a bike rider without adequate warning (insufficient indication).

Examples of behaviours and how they may be categorised could include:

Proposed Category 1: *a penalty for recklessly endangering a person to risk of death or serious injury (e.g. bike rider running a red light; driver opening door and knocking bike rider into path of traffic; driver colliding with bike rider)*

Proposed Category 2: *a penalty for a failure to comply with a duty that exposes a person to risk of death or injury (e.g. not wearing helmet; opening door in path of bike rider; passing within a metre of a bike rider)*

Proposed Category 3: *a penalty for a failure to comply with a duty (e.g. no lights or reflectors on bike)*

Penalties need to incorporate a range of deterrents including monetary fines and demerit points. In the case of proposed Category 1 offences, especially in the event that a bike rider is killed, a mandatory period of licence suspension should be considered.²⁹³

To take the offence under QRR section 144 as an example of attempting to apply the approach taken under the WHS Act to breaches of duty in the road user context:

²⁹³ AGF, Holding Drivers to Account, 12 November 2013: 6

The lowest category (such as Category 3) of offence would be the mere failure to pass a VRU at a sufficient distance to avoid collision when overtaking. The offence could be recast as a failure to comply with a VRU duty. The maximum penalty for this offence is currently \$2,200. It might be considered appropriate to maintain this as the maximum penalty. Category 3 offences in the WHS context do not appear to attract terms of imprisonment.

The next category (Category 2) would be a failure to comply with a VRU duty that exposes a VRU to a risk of death, serious injury or illness. It might be that where the overtaking at an insufficient distance causes death or injury/illness to the cyclist/VRU. This would attract a harsher penalty and could attract a term of imprisonment. It may be that all the relevant circumstances of the offence would have to be considered and what the elements of the offence would be (for example, would it be required that the driver failed to take reasonable care in ensuring a safe passing distance?).

The highest penalties would apply to the Category 1 type offence of where failure to comply with a VRU duty – where the driver, without reasonable excuse, engages in conduct exposing a person to whom a duty is owed to a risk of death or serious injury or illness and is reckless as to the risk to such a person of those consequences. The prosecution would be required to show reckless endangerment or something similar.

5.5 Committee comment and recommendation

Separate to the possibility of introducing strict liability, or a variation thereof, in the context of civil law damages claims in tort, the Committee has considered the following three alternative options:

- (1) the introduction of strict liability for criminal or traffic related offences involving vulnerable road users in Queensland;*
- (2) the introduction of new statutory duties and penalties analogous to the workplace health and safety regime in Queensland; and*
- (3) the introduction of a new criminal offence for the infliction of injury or death to a vulnerable road user.*

In relation to the first of the above possible options, the Committee notes that the road traffic legislation in some Australian jurisdictions, such as NSW and the ACT creates strict liability criminal offences. The Committee has considered the option of strict liability for criminal or traffic related offences involving vulnerable road users in Queensland. The Committee has not been convinced that the introduction of strict liability criminal offences is the best option at this point in time.

In relation to the second of the above possible options, the Committee is of the view that the introduction of legislation to establish statutory duties and penalties analogous to the workplace health and safety regime in Queensland to reduce the incidence of injury to, and death of, vulnerable road users has the potential to create an effective system which could affect a true change of driver behaviour to create a safer environment for the whole community. The Committee believes that the proposed introduction of statutory duties to protect vulnerable road users has merit and possibly warrants further review by the Government.

However, out of all the possibilities canvassed by the Committee, it is the Committee's opinion that at this point in time, the most appropriate option is to introduce the third option listed above being a criminal offence for the infliction of injury or death to a vulnerable road user based on the model statute for a vulnerable road user law drafted by the League of American Bicyclists but which incorporates a range of penalties that include maximum penalties that are tougher than the existing penalty framework provided in section 83 (Careless driving of motor vehicles) of the Transport Operations (Road Use Management) Act 1995 (Qld). The definition of vulnerable road users may also need to be amended to better suit the Queensland context.

A new criminal vulnerable road user offence such as this could have the impact desired by the Committee to affect a true shift in driver behaviour towards a much safer environment on the roads for the whole Queensland community. The Committee considers that, from a practical perspective, not only would it be relatively easy to introduce such an offence, but it has the potential to achieve the Committee's desired outcome of a major paradigm change in the consciousness of drivers especially when coupled with our recommended changes to the road rules and an appropriate and far-reaching education campaign.

Recommendation 30

The Committee recommends that the Minister for Transport and Main Roads introduce a criminal offence of "Infliction of Injury or Death to Vulnerable Road Users" based on the model statute for a vulnerable road user law drafted by the League of American Bicyclists but which incorporates a range of penalties that include maximum penalties that are tougher than the existing penalty framework provided in section 83 (Careless driving of motor vehicles) of the *Transport Operations (Road Use Management) Act 1995* (Qld).

6 Review of penalties and sanctions

6.1 Background

The issue of penalties and sanction was raised frequently during the Inquiry.²⁹⁴ The discussion mainly concerned matters of actual and/or perceived equality across road user groups, and whether the current penalties are reflective of the severity of the offence and potential to cause harm.

A review of the QRR reveals that all road users, inclusive of cyclists, are subject to equal maximum penalty units for a breach of the road rule (being 20 penalty units or \$2200); and that, apart from a handful of specific exemptions or differing rules, the majority of road rules apply equally to all road users. For example the requirement for operators of a motor vehicle to wear a seat belt attracts 20 penalty units; the requirement for a motorcycle operator to wear an approved motorcycle helmet attracts 20 penalty units; and the requirement for bicycle operator to wear an approved bicycle helmet attracts 20 penalty units. Additionally inter-jurisdictional comparison reveals that Queensland (together with NSW) applies the highest maximum penalty to road rule violations across Australia.

For offences relating to the QRR, penalties only apply where a traffic infringement notice is issued by an authorised officer and the monetary amounts for traffic infringement penalties are set out in Schedule 3 of the *State Penalties Enforcement Regulation 2000* (SPER) as opposed to the maximum penalty unit which is the maximum fine a court can award if the matter goes to court.

In all cases the penalty units (which are equivalent to \$110 per unit) are less for a 'bicycle, animal or animal drawn vehicle' than those applicable to another vehicle and/or motorised vehicle. Figure 19 below compares a selection of infringements and related penalties applicable to road users as defined under Schedule 3 of SPER.

Figure 19: Examples of Infringements and Penalties (Schedule 3 SPER)

Infringement	Penalty unit/ \$ value	
	Bicycle, animal or animal drawn vehicle	Another/ motorised Vehicle
Section 61 (2) contravention of red traffic light or arrow by a driver	1 penalty unit/\$110	3 penalty unit/ \$330
Section 74 (1) Giving way when leaving a road-related area	1 penalty unit/\$110	3 penalty unit/ \$330
Section 77 (1) Giving way to a bus	1 penalty unit/\$110	1 4/5 penalty unit/ \$198
Section 81 (2) Giving way at pedestrian crossing	1 penalty unit/\$110	3 penalty unit/ \$330
Section 114 (1a) Giving way when entering or driving in a roundabout	1 penalty unit/\$110	3 penalty unit/ \$330
Section 123 Entering a level crossing when a train or tram is approaching	1 penalty unit/\$110	3 penalty unit/ \$330
Section 126 Driving safe distance behind another vehicle	2/3 penalty unit/\$73	2 1/3 penalty unit/ \$256
Section 300A Drinking alcohol while operating vehicle	1 penalty unit/\$110	3 penalty unit/ \$330

²⁹⁴ Submissions 16, 25, 47, 55, 65, 86, 98, and 100

For more serious offences involving a breach of the QRR, demerit points may also be allocated to an offender. The demerit points schedule²⁹⁵ describes selected demerit points offences, the value of the fine, and the number of demerit points that have been set for each offence. Cyclists cannot currently be given demerit points for any offence. The definition of 'demerit points offence' in Schedule 9 of the *Transport Operations (Road Use Management - Driver Licensing) Regulation 2010* makes it clear that demerit points cannot be issued for offences committed by cyclists:

... [A] demerit points offence means an offence, other than an offence committed by a person while riding a bicycle, against a provision mentioned in schedule 3.

Cyclists also attract a lesser statutory penalty than drivers of motor vehicles when found guilty of an offence under the Queensland Criminal Code. Drivers of motor vehicles attract a higher maximum penalty under the Criminal Code than drivers/operators of any other vehicles or mode of transport (which is defined as including bicycles, trains, trams, and animals). The table below summarises Queensland’s driver/vehicle related criminal offences. These appear to reflect a concept of ‘vulnerable user’ and/or give consideration to the greater potential for motor vehicles to cause harm.

Figure 20: Summary of Queensland Driver/Vehicle Related Offences under Criminal Code²⁹⁶

Offence	Penalty – Motor Vehicle	Penalty - Other ²⁹⁷
CARELESS DRIVING (TORUM Act, section 83 & 84): It is an offence in Queensland to drive carelessly. A person is committing the offence if they drive a vehicle on a road or elsewhere without due care and attention or without reasonable consideration for other persons using the road or place.	The maximum penalty is a fine of up to \$4,400 and/or 6 months imprisonment. If convicted, may involve allocation of 3 demerit points for ‘Driving without due care and attention’.	As the TORUM Act defines a ‘driver’ as including a cyclist, the same maximum penalties apply.
DANGEROUS DRIVING (Criminal Code, Section 328A): It is an offence in Queensland to operate, or in any way interfere with the operation of, a vehicle dangerously in any place. The offence is aggravated (considered to be more serious) if, at the time of committing the offence, the driver:- <ul style="list-style-type: none"> • Was adversely affected by an intoxicating substance; • Was excessively speeding or taking part in an unlawful race or an unlawful speed trial; • Has been previously convicted for the same offence; • Leaves the scene of the incident; and/or • the driver causes the death of, or grievous bodily harm to, another person. 	The maximum penalty will depend on the specific circumstances of the offence, but can include a fine of \$2200 up to \$22,000 and/or include imprisonment of 3-5 years; Where the offence is ‘aggravated’ the penalty may increase up to a \$44,000 fine and/or include 14 years imprisonment.	For a first time offence, the maximum penalty is a fine of up to \$400 or 6 months imprisonment; For a second offence, the maximum increases to a fine of up to \$800 or 12 months imprisonment; and For a third offence, the court must impose a sentence of imprisonment.

²⁹⁵ www.tmr.qld.gov.au/~media/Licensing/Licence%20demerit%20points/Demerit_points_schedule_nov2012.pdf

²⁹⁶ www.trafficlawqld.com.au/HarperFinchLawyers2056/Page/21587/PunishmentsPenalties.aspx

²⁹⁶ Criminal Code Act 1899 current as of 17 October 2013

²⁹⁷ Penalties for others includes bicycle, train, tram or animal

<p>DRINK DRIVING: It is an offence in Queensland to drive a motor vehicle with a blood alcohol concentration (BAC) in excess of the permitted concentration levels. The actual concentration level depends on the type of licence held by the driver.</p> <p>An unrestricted/open licence holder is permitted to drive with a BAC below 0.05% whereas all other licence holders must have a nil alcohol concentration (0.00%).</p> <p>It is therefore not necessary for a person to actually be driving to be charged with a drink driving offence.</p> <p>It is also an offence in Queensland to ride other vehicles or even animals while over the legal alcohol limit. This means that you can be convicted of an offence for drink 'driving' a bicycle, scooter, horse, skateboard or almost any other mode of transportation.</p>	<p>The penalty for a drink driving offences will depend on the seriousness of the offence, and the BAC reading.</p> <p>At a minimum, a person <u>convicted</u> of a drink driving offence will have their licence disqualified for at least one month and will receive a fine. In very serious cases (such as repeat drink drivers), a person can be given a sentence of imprisonment.</p> <p>Open licence holders caught driving with a BAC between 0.05% - 0.10%, will have their licence suspended for 24 hours (<i>no court appearance is necessary</i>).</p> <p>If BAC is higher than 0.10%, the driver's licence will be automatically suspended until the matter is finalised in court.</p>	<p>The maximum penalty for these types of offences is a \$4,000 fine or 9 months imprisonment.</p>
<p>DRIVING UNDER INFLUENCE OF OTHER ILLEGAL SUBSTANCES: It is an offence in Queensland to drive while a relevant drug is present in the blood or saliva, or while under the influence of drugs (a more serious offence).</p>	<p>The penalty for the lesser offence of driving while a relevant drug is present in the blood or saliva is a fine of up to \$1,400 or imprisonment for up to 3 months, along with a licence disqualification of at least 1 month.</p> <p>The more serious offence of driving while under the influence of drugs is treated in the same way as the offence of driving while under the influence of alcohol. The maximum penalty is a fine of up to \$2,800 or imprisonment of up to 9 months, along with a licence disqualification of at least 6 months.</p>	

Arguably there is little benefit in amending penalties defined under the Criminal Code as sentencing is still subject to a criminal hearing and a Judges' consideration of the circumstances and seriousness of the offence. Further, application of demerit points to cyclists would prove impractical as cyclists are not currently required to hold a driver licence or register their bicycle as a condition of road use.

However there is an argument for increasing penalties across a range of road rule infringements so they equal the penalty applicable to other road users, particularly where there is potential for cyclists to inflict harm or injury on themselves and other vulnerable road users. A more balanced application of infringement penalties would convey a message of equal responsibility for the road safety across all road users, a position advocated in a number of submissions to the Inquiry.

The AGF has suggested that the Committee could attempt to allay some of the conflict between motorists and cyclists by increasing penalties where the behaviour of cyclists may impact on the safety of others. *"It could be part of the trade-off for providing improved legislation for bike riders. We have to look at how everybody can win out of this situation."*²⁹⁸

²⁹⁸ Transcript 4 September 13: 3

6.2 Additional penalties and sanctions to be considered

Past cases of serious and or fatal injuries to cyclists in Queensland have also raised question over the extent to which the current road rules and criminal code provide protection to ‘vulnerable road users’. Many submitters to the Inquiry provided examples of incidents which were unable to be investigated and/or prosecuted by the Queensland Police Service (QPS). Submitters speculated that this may be due to lack of enforceable offences available to QPS for prosecution or the difficulties faced by QPS in collecting the required evidence and building a case for prosecution.

Currently in Australia, including in Queensland, drivers are not found to have committed an offence when, as a result of their actions, or failure to act, a bike rider is killed or seriously injured. The main reason for this is that there is not a statutory driving offence that adequately addresses the circumstances associated with injury or death of a vulnerable road user who is hit by a car. When a driver’s actions lead to a crash with a bike rider, the elements and standard of proof required to successfully bring criminal charges against the driver are rarely met.²⁹⁹

Whilst the matter of providing statutory recognition and criminal provisions for offences against ‘vulnerable road users’ is addressed in detail in section 5 of this Report, the Committee has considered a number of other opportunities for law reform that address concerns raised throughout the Inquiry. These are discussed in more detail below.

6.2.1 Introduction of specific provisions relating to Menacing and Predatory Driving

A number of submitters raised concerns in relation to the increasing incidence of aggressive and or threatening driver behaviour on Queensland roads.³⁰⁰ Whilst behaviours such as tailgating, speeding and unlawful lane changing are traffic offences and punishable under the QRR, they do not capture the full extent of actions placing cyclists at risk on Queensland roads and typically requires the QPS to witness the behaviour or for the incident to be reported and investigated.

...the harassment of cyclists by deliberate use of motor vehicles as weapons and by the throwing of projectiles from vehicles is a disturbingly common occurrence and it is very difficult for police to enforce it, given that the cyclist is the only witness and the police are reluctant to generally follow these things up. I think that needs to be addressed, and the penalties for such acts need to be addressed seriously.³⁰¹

Section 75 of the Criminal Code pertains to ‘threatening violence’ and is the most relevant criminal provision in relation to aggressive driving behaviours:

Criminal Code section 75 Threatening violence

- (1) Any person who—
- (a) with intent to intimidate or annoy any person, by words or conduct threatens to enter or damage a dwelling or other premises; or
 - (b) with intent to alarm any person, discharges loaded firearms or does any other act that is likely to cause any person in the vicinity to fear bodily harm to any person or damage to property;
.....commits a crime.

Maximum penalty—2 years imprisonment³⁰²

²⁹⁹ AGF ‘Roundtable information request regarding Driver Responsibility’ 6 Nov 2013: 4

³⁰⁰ Submissions 29, 41, 73, 85

³⁰¹ Transcript 21 August 2013:5

³⁰² Schedule 1 The Criminal Code 17 October 2013 Part 2 Offences against public order Chapter 10 Offences against political liberty: 75

This offence is rightly considered hard to prosecute and requires significant evidence and testimony to result in a conviction. Alternatively a driver may be convicted of careless and/or dangerous driving, but again it is considered a difficult case to mount in the absence of an actual assault, injury or road crash.

In 1997, the NSW State Government moved to introduce tougher penalties to deter motorists from engaging in aggressive driving behaviors. Under these laws, any person who chases or shows intimidating and/or bullying behaviors towards another road user can be charged with *menacing and or predatory driving*, a criminal offence (rather than a traffic violation) which attracts a maximum penalty of up to \$100,000, 5 years imprisonment and disqualification from driving for up to 5 years. Importantly an offence can be recorded regardless of whether or not there was intent to harm the victim physically. Additionally, if the predatory driving results in a physical assault or harm, and/or damage to property, penalties can be much more severe.

NSW remains the only jurisdiction in Australia to have introduced criminal provisions for *menacing and predatory* road behavior. The remainder of other Australian jurisdictions continue to rely on criminal provisions related to reckless or dangerous operation of vehicles, obstruction of personal liberties and/or endangerment of public safety. Internationally there is also wide range of treatment in relation to aggressive road behaviors.³⁰³

There is an argument that stronger laws and penalties may afford cyclists (and other motorists) greater protection from aggressive and unsafe driver behaviors, and would complement education and cultural awareness strategies aimed at increasing acceptance of all road users.

6.2.2 Introduction of specific provisions relating to leaving the scene of an accident (NSW Example of 'Brendan's Law')

Under Section 92 of the TORUM Act it is an offence for the driver of any vehicle to leave the scene of an incident; and requires drivers to take reasonable endeavours to assist injured persons. The Act prescribes the following maximum penalties:

TORUM Act Section 92

Maximum penalty—

(a) if death or injury is caused to any person—20 penalty units or imprisonment for 1 year; or

(b) otherwise—10 penalty units or 6 months imprisonment.³⁰⁴

In 2006, Queensland increased penalties under the Criminal Code, Section 328A 'Dangerous operation of a vehicle' to up to 14 years imprisonment for leaving the scene of an incident where *'the offender knows, or ought reasonably know, the other person has been killed or injured... other than to obtain medical or other help for the other person, before a police officer arrives'*.

A number of submitters have suggested that Queensland may wish to consider increasing the onus on drivers to remain at the scene of road incidents (even where they may not involve serious injury and/or fatality) and creating stronger penalties for failing to do so. This recommendation may also

³⁰³ Fourteen U.S. states have passed laws against aggressive driving, however it remains that in some states, it is easier to prosecute road rage as reckless driving instead of aggressive driving simply because the burden of proof does not require "intent" to successfully convict. Only one state, California, has turned "road rage" into a legal term by giving it a particular meaning. In the UK, the Public Order Act 1986 applies to road rage. Sections 4A and 5 of the Act prohibits public acts likely to cause harassment, alarm or distress. Section 4 also prohibits threatening, abusive or insulting words or behavior with intent to cause a victim to believe that violence will be used against himself or another. Additionally, most common-law countries prohibit common assault, which could apply to road rage where the personal safety of the victim is seen to be threatened. The common law regards assault as both a criminal and civil matter, leading to both public criminal penalties and private civil liabilities.

³⁰⁴ TORUM Act: 307

balance some of the concerns raised throughout the Inquiry in relation to the introduction of the MOD, where it was considered that such a rule may increase the likelihood and/or create perverse incentive to drivers/motorists to leave the scene of an incident involving a cyclist.

In 2005 the NSW Government introduced tougher laws and penalties for drivers who fail to stop after a vehicle “impact”. Under the *Crimes Amendment (Road Accidents) (Brendan’s Law) Act 2005*³⁰⁵ the maximum penalty increased to 10 years imprisonment where a person has been killed and up to seven years in the case of grievous bodily harm. Lengthy periods of license disqualification also apply. Importantly the Law applies to any vehicle impact which includes ‘*collision between a vehicle and another vehicle, a vehicle and an object or an object on another vehicle, a vehicle and an object that has fallen from another vehicle or a person falling or being thrown from a vehicle*’ and therefore has broader application than laws which exist in Queensland and other Australian jurisdictions.

In passing the legislation, the NSW parliament noted an objective as including:

*...to provide community recognition of the seriousness of this offence through increased penalties... an offence that parliament considers to be a breach of a fundamental code of civilized society.*³⁰⁶

6.2.3 Increasing penalties for ‘dooring’ offences

‘Dooring’ was noted as a common cause of crash involving cyclists³⁰⁷ and many submitters raised concern relating to the current risk that ‘dooring’ poses to all cyclists.

*A friend of mine was cycling ... When a car door opened, that car door punctured the bottom of his throat. He was very lucky in this case; it missed his palette. He was hospitalised. He was off his bike for quite some time. The startling fact in the story is that the motorist was fined approximately \$100. The fine was attributed because he opened his door into traffic, not because he opened his door into a cyclist. I give you the example if that was a door opened into another car, that motorist probably would have lost his door, had further damage to his car and still get fined that fine. But in this case he hit a cyclist. He probably could have killed the guy and he only got charged \$100. For me it is disproportionate to the attraction between the two vehicles...There is probably then a need to investigate some sort of separate system for fining motor vehicles which specifically reflects the potential for property damage, disability or fatality.*³⁰⁸

Following the death of a cyclist who was flung into traffic after colliding with a car door opened into their path on a busy Melbourne road in 2010 (the first ‘dooring’ related cyclist death recorded nationally), the Victorian Government introduced tougher fines and penalties for the offence of causing ‘*a hazard to a person or a vehicle by opening a car door, leaving a door of a vehicle open, or getting off, or out of, a vehicle (Rule 269(3) of the Victorian Road Safety Road Rules 2009)*’. Since August 2012 the on-the-spot penalty increased from \$141 to \$353 (and 1 to 2.5 demerit points) and the maximum court penalty increased from \$423 to \$1408 (and 3 to 10 demerit points).

³⁰⁵ The Law is known as ‘Brendan’s Law’ in memory of nine year old Brendan Saul who was involved in a crash and died whilst riding a bicycle in Dubbo in 2004. The motorist involved did not stop and it was considered that the failure to stop and provide assistance contributed to the death of the child.

³⁰⁶ NSW Parliament Hansard 21st September 2005

³⁰⁷ In Melbourne ‘dooring’ is the most common cause of crash involving cyclists, representing one fifth (20%) of all crashes involving cyclists reported to police. More than 100 cyclists a year are injured in crashes involving car doors in the inner city alone.

³⁰⁸ Mr Gallagher, Transcript 27 August 2013: 8

The QRR require road users to take caution when opening a door of a vehicle, however demerit points do not apply to this offence and unless an incident or collision subsequently occurs, rarely results in an infringement notice or penalty.

QRR section 269 Opening doors and getting out of a vehicle etc.

(3) A person must not cause a hazard to any person or vehicle by opening a door of a vehicle, leaving a door of a vehicle open, or getting off, or out of, a vehicle.

Maximum penalty—20 penalty units.³⁰⁹

Undoubtedly the two main contributing factors in cyclist-car door crashes are the environment (road design and placement of cycle infrastructure relevant to parking zones), and the way road users behave (due care and diligence and compliance with road rules). There is an argument that increasing the penalties applicable to causing hazard to a person by opening a car door, would contribute to greater awareness and compliance with the rule, and complement other education and awareness strategies. There was strong support across submitters to the Inquiry for increased penalties and greater enforcement through on-the-spot fines for the act of ‘dooring’.

6.2.4 Committee comment and recommendations

While numerous submitters raised concerns over inequitable penalties and sanctions across road user groups, the Committee has concluded that this concern is based on a general misconception that cyclists are not expected to adhere to the same level of road rule compliance and do not attract the same criminal penalty in the event of serious breaches.

The Committee does however consider that the current imbalance between cyclists and other vehicle drivers in relation to infringement penalties warrants review. As there is significant potential for cyclists to endanger other vulnerable road users and do harm to themselves, the Committee supports increasing current infringement penalties for cyclists set out in Schedule 3 of the State Penalties Enforcement Regulation 2000 so that equal penalties apply to all road users for those Queensland road rules where the potential to endanger others is greatest, including the following rules:

- *Section 20 obeying speed limits*
- *Section 27-44 giving way when making turns into/across intersections*
- *Section 56-66 obeying traffic signals*
- *Section 67-79; Section 80-83 and Section 111-119 giving way to other road users*
- *Section 120-124 level crossings*
- *Section 125 obstructing other road users & Section 126 safe distance behind vehicles*
- *Section 246-262 rules for bicycle riders*
- *Section 300 and 300A using mobile phones and drinking whilst operating a vehicle*

Further the Committee has acknowledged the numerous examples provided throughout the Inquiry in relation to the difficulties faced in investigating and prosecuting road related injuries, fatalities and other incidents involving ‘vulnerable road users’. The Committee has therefore considered a number of other opportunities for law reform which may provide additional protection for cyclists, and is recommending the Queensland Government consider the merit of these options.

³⁰⁹ QRR section 275

Recommendation 31

The Committee recommends that the Minister for Transport and Main Roads, in consultation with the Attorney General and Minister for Justice, review the penalties set out in Schedule 3 of the *State Penalties Enforcement Regulation 2000* with a view to increasing infringement penalty units for cyclists to equal those for motorists where the potential to endanger other road users is greatest.

Recommendation 32

The Committee recommends that the Department of Transport and Main Roads work closely with the Department of Justice and Attorney General, Queensland Police Service and the Queensland Law Society to:

- a) undertake a review to assess the effectiveness of current road rules, demerit point schedules and the criminal code in protecting vulnerable road users
- b) make recommendations for future law reform in Queensland to provide improved safety for vulnerable road users and
- c) ensure that penalties relevant to those road rules amended as a result of the recommendations of this Inquiry are also reviewed and updated as required.

Recommendation 33

The Committee recommends that the review recommended in Recommendation 32 above should specifically consider the following:

- a) introduction of specific provisions and tougher penalties relating to Menacing and Predatory Road Behaviour within the Criminal Code and/or other relevant instruments
- b) introduction of specific provisions and tougher penalties related to leaving the scene of an accident within the Criminal Code and/or other relevant instruments and
- c) increasing penalties and provisions for 'on-the-spot' fines for 'dooring' offences within the Queensland Road Rules, Demerit Points Schedule and/or other relevant instruments.

7 The potential benefits and impacts of bicycle registration

The Legislative Assembly when referring this Inquiry to the Committee requested that it inquire into and report on the potential benefits and impacts of bicycle registration.

7.1 Background

7.1.1 Registration of vehicles in Queensland

Vehicle registration is the compulsory registration of a vehicle with a government authority for the purpose of establishing clear ownership and to tax vehicle owners for the development and maintenance of road infrastructure. In relation to Queensland's registration system, TMR advises:

*Registration is a vital part of Queensland's transport system. It ensures accurate and secure vehicle records are kept. This allows the Department of Transport and Main Roads to identify registered operators and manage, develop and improve road infrastructure.*³¹⁰

In addition to establishing ownership and collecting taxes, the current registration system also:

- sets the safety standards required of vehicles to reduce the likelihood of crashes due to defective vehicles
- allows driver behaviour to be managed by identifying vehicles, and the responsible owners of vehicles, for law enforcement purposes
- facilitates the collection of insurance premiums for the Queensland Compulsory Third Party (CTP) insurance scheme.³¹¹

The Queensland Government requires all motorised vehicles to be registered. Exempt vehicles, including bicycles, are not required to be registered.³¹²

Current Queensland Government policy on bicycle registration is reflected in the Queensland Cycle Strategy 2011-2021 which has a target of increasing the number of people who cycle for school, work, recreation, shopping, and social trips and states that one of the benefits of cycling is that it is free of any registration fees.³¹³

7.1.2 Registration of bicycles in other jurisdictions

At the public departmental briefing, TMR advised the Committee that no Australian jurisdiction charges registration on bicycles.³¹⁴ The Amy Gillett Foundation submitted that:

*Registration has not been pursued in other jurisdictions because any perceived benefits are outweighed by the direct costs and other adverse policy outcomes such as lower physical activity and negative environmental impact.*³¹⁵

A number of bicycle registration schemes have been introduced internationally as anti-theft measures rather than as a road use registration systems. For example:

- Japan requires registration of all bicycles as an anti-bicycle theft measure and to help police locate owners of recovered stolen bicycles. There is small, once off, fee.³¹⁶

³¹⁰ TMR, Registering Vehicles, <http://www.tmr.qld.gov.au/registration/registering-vehicles.aspx> [20 Sep 2013]

³¹¹ Watson B, Armstrong K and Wilson A, 2011, Links between unlicensed and unregistered driving, CARRS-Q, Brisbane, Australia as quoted in submission 80: 31

³¹² Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010 section 4 (g) – meaning of exempt vehicles

³¹³ Queensland Cycle Strategy 2011-2021: 6

³¹⁴ Transcript 18 June 2013: 9

³¹⁵ Submission 97:36

- City of Milwaukee, Wisconsin, USA requires registration of all bicycles as an anti-theft measure. There is no charge.³¹⁷

The City and County of Honolulu, Hawaii, USA have introduced registration as a revenue raising measure with a fee of US\$15 (US\$5 for transferring bicycle ownership). It applies to all bicycles with 20 inch or larger wheels and the revenue is used for bicycle related City projects and programs.³¹⁸

7.2 The benefits and impacts of registration

7.2.1 Arguments in support of bicycle registration

A minority of submitters supported the registration of bicycles with two main arguments being advanced.

One argument in favour of registration was that it would allow for identification of cyclists that blatantly breach the QRR.³¹⁹ For example, Mr Col Burg submitted:

*If cyclists were required to have their registration ID marked legibly on the rear of their (compulsory) safety helmet there would be some accountability and an offending cyclist (like any motorist) could be identified by the public or police whether in motion or photography.*³²⁰

Another key argument was that the payment of registration fees would be a contribution by cyclists toward their use of roads.³²¹ For example, Mr Charles Bill submitted:

*As a car, motorbike and caravan owner etc all have to pay Rego to have the privilege to drive on the roads, I think it is only right that Bike Owners must also be required to have a licence and registration and display a registration plate.*³²²

Other potential benefits of registration identified in evidence provided to the Committee included:

- improved statistics on cycling population³²³
- improved ability to plan for and build cycling infrastructure³²⁴
- inclusion of CTP insurance would provide insurance for accidental damage to the bicycle rider and others, for example pedestrians³²⁵
- the revenue could be used for cycling infrastructure³²⁶
- imposition of a compulsory road rule test before registration is approved³²⁷
- reduce bicycle theft and assist with the recovery of stolen bicycles³²⁸
- control bicycle parking and levels of abandoned bicycles³²⁹

³¹⁶ <http://www.japan-guide.com/e/e2210.html> [28 Oct 2013]

³¹⁷ Submission 90: 31

³¹⁸ Submission 90:31 and <http://www1.honolulu.gov/dts/bikereg.htm> [28 Oct 2013]

³¹⁹ See submissions 3: 1, 4: 1, 9: 1, 26: 2, 34: 1, 49: 1, 57: 1, 69: 1

³²⁰ Submission 4: 1

³²¹ See submissions 3: 1, 9: 1, 43: 1, 73: 2

³²² Submission 9: 1

³²³ Mr Gallagher, Transcript 27 Aug 2013: 8

³²⁴ Submission 9: 1

³²⁵ See submissions 34: 1, 49: 1, 57: 1, 80: 30

³²⁶ See submissions 9: 1, 43: 1, 57: 2, 80: 30

³²⁷ Submission 26: 2

³²⁸ See submissions 90: 30, 97: 34

³²⁹ Submission 90: 30

TMR advised:

The ideas put forward in the various literature for registration are that it gives you a better opportunity to understand what your cycling population is, where they travel and what they do to allow you to better manage your investment in the network and in other aspects of cycling. There is an argument that it provides a better identification form for enforcement agencies. There is the view that a registration system provides funding, therefore, for reinvestment into the system. There is also a view in some of the literature that it can serve a purpose for addressing some of the broader community concerns about cyclists and their legitimacy on the road network. There is also the earlier issue in terms of assisting in the recovery of stolen bicycles.³³⁰

7.2.2 Arguments against bicycle registration

The majority of submitters who commented on registration were opposed to it, with a number of key arguments being advanced.

One argument put against registration was that the increased cost would be a disincentive to cycling with a reduction in all the associated health and environmental benefits and an increase in road maintenance costs.³³¹ For example, Mr Ben Stanley submitted:

*Bicycle registration will reduce cycling participation. This means fewer people riding, less often – the exact opposite of what is needed. This will make cycling more dangerous, not less. Additional side effects of less cycling are obvious – increased reliance on cars and public transport, a less healthy population, and so on.*³³²

Other key arguments advanced by stakeholders was that most adult cyclists (over 80%)³³³ already pay car registration³³⁴ (and in fact Council rates and tax revenue are the main sources of road funding) and that registration would be costly and difficult to administer which would negate any potential financial benefit to road infrastructure.³³⁵

Other arguments against registration identified in evidence provided to the Committee included:

- bicycles have little impact on road infrastructure³³⁶ and do not contribute to congestion³³⁶
- many cyclists own multiple bicycles and many bicycles are rarely ridden³³⁷
- CTP insurance is a major reason cars are registered and bicycles are not a serious danger to other road users – also both Bicycle Qld and racing licencing carry appropriate insurance cover³³⁸
- free identification systems are already in place to assist in the recovery of stolen bicycles³³⁹
- unlikely to stop cyclists breaking road rules (doesn't stop motorists either)³⁴⁰

³³⁰ TMR, Transcript 18 June 2013: 8

³³¹ See submissions 14: 1, 15: 1, 16: 9, 25: 2, 29: 4, 32: 5, 38: 3, 40: 1, 55: 1, 65: 6, 72: 7, 75: 16, 76: 5, 77: 5, 78: 4, 81: 9, 91: 6, 98: 6, 99: 3, 100: 4

³³² Submission 22: 13

³³³ Australian Bureau of Statistics, Bicycle User Statistics as quoted in Submission 32: 5

³³⁴ See submissions 14: 1, 27: 1, 29: 3, 38: 3, 39: 4, 47: 3, 76: 5, 81: 9, 90: 31, 100: 5

³³⁵ See submissions 6: 1, 15: 1, 36: 5, 38: 3, 39: 4, 47: 2, 72: 7, 75: 16, 76: 7, 77: 5, 78: 4, 79: 4, 81: 9, 86: 11, 90: 2, 91: 6, 98: 6, 99: 3

³³⁶ See submissions 25: 2, 32: 5, 39: 4, 76: 7, 81: 9, 86: 11, 90: 33

³³⁷ See submissions 15: 1, 25: 2, 29: 4, 38: 3

³³⁸ See submissions 15: 1, 32: 5, 39: 4, 90: 32

³³⁹ Submission 27: 1

³⁴⁰ See submissions 72:7, 79: 4, 90: 33

- does nothing to reduce bicycle fatalities and injuries involving motor vehicles³⁴¹
- enforcement of registration would consume police resources better allocated elsewhere³⁴²
- deter interstate cyclists from travelling to Queensland and deter the holding of major events such as cycling tours, triathlons, charity rides and other cycling based activities from being held in Queensland.³⁴³

The RACQ summed up the anti-registration argument:

*RACQ does not support registration for bicycles. Cycling has many benefits, including congestion reduction and improving air quality. At the same time, bicycles do not cause damage to the road network as they are very light compared to cars and trucks and they do not take up much space. Many cyclists already pay registration for their motor vehicle. The additional red tape would result in little, if any, revenue benefit and would discourage cycling. RACQ believes that we have an issue of education and culture rather than the need for more regulation.*³⁴⁴

7.3 Committee comment

The Committee has examined the various arguments put in submissions and at public hearings regarding the impacts and benefits of bicycle registration and understands that this issue causes a considerable amount of tension between motorists and cyclists in Queensland.

The Committee notes the claim made that because cyclists do not pay bicycle registration they are not contributing to the cost of road or cycling infrastructure. However, the Committee does not accept this argument based on the following facts:

- *more than 80% of cyclists pay car registration and are not driving their car when they are riding thereby reducing the impact of motor vehicles on the road infrastructure*
- *council rates and federal taxes (such as the GST) are the main source of road revenue and cyclists pay rates and GST along with other road users*
- *cyclists save the community \$0.60 for each kilometre they ride instead of drive.*³⁴⁵

The Committee acknowledges the concern that it is difficult to hold cyclists accountable for their actions if they breach the road rules as there is no way of identifying them unless they are “caught in the act”. However, the Committee is of the view that the significant negative consequences of introducing a registration scheme far outweigh the limited benefits of such a scheme.

The Committee is therefore recommending against the registration of bicycles, or the licensing of cyclists, in Queensland on the basis that:

- *the registration or license fee is likely to be a disincentive to cycling with all the associated health and environmental benefits*
- *there is little evidence that registration would improve road safety*
- *it would not be cost efficient due to the administrative resources required*
- *most adult cyclists also own a car and pay registration and regardless, most road funding comes from council rates and federal taxes*

³⁴¹ See submissions 63: 2, 88: 2, 99: 3

³⁴² Submission 72: 7, 88: 2

³⁴³ Submission 16: 9

³⁴⁴ Transcript 21 Aug 2013: 27

³⁴⁵ <http://www.goldcoast.qld.gov.au/thegoldcoast/safety-tips-for-motorists-996.html> and <http://www.tmr.qld.gov.au/Projects/Name/S/South-East-Queensland-Principal-Cycle-Network-Plan.aspx> [28 Oct 2013]

- *by choosing to ride instead of drive, cyclists are helping the community by reducing traffic congestion, parking demand, pollution, road costs and health costs caused by lack of exercise.*

7.4 Putting the registration issue to rest

The Sunshine Coast Regional Council made the following strong statement about finally “putting the issue to rest” at the Mooloolaba public hearing:

*...regarding bicycle registration, council saw registration as not providing any worthwhile community outcomes, while creating additional regulation and costs without demonstrated benefit. Registration is most often heard as an argument by those who oppose cycling on roads. It is time to put this distraction from the real issues to rest. A clear decision is required from the state rejecting registration. This decision then needs to be clearly communicated to the community with reasons and repeated whenever bicycle registration is raised. This will return the discussion back to the real issues and the improvements that we need to be focusing on.*³⁴⁶

The Townsville BUG has also submitted that registration is a topic that promotes argument and division between cyclists and other road users and has appealed to the “*State Government to clearly state the reasons registration of bicycles is not a valid option and help put an end to this fruitless debate.*”³⁴⁷

7.4.1 Committee comment and recommendation

The Committee is concerned that the continuing debate over whether bicycles should be registered is not in the interests of improving interaction between cyclists and other road users and that the reasons bicycles are not subject to registration is little understood by motorists. The Committee is also concerned that the debate takes the focus away from the real issues and improvements that are required to make cycling a mainstream activity, thereby improving the interaction between cyclists and other road users.

The Committee is therefore recommending that the Minister for Transport and Main Roads make a public statement clearly outlining the reasons the Government has decided not to introduce bicycle registration.

Recommendation 34

The Committee recommends that the registration of bicycles not be introduced in Queensland and, if this recommendation is supported, the Minister for Transport and Main Roads make a public statement clearly outlining the reasons for making the decision.

³⁴⁶ Transcript 27 Aug 2013:3

³⁴⁷ Submission 32:5

8 Cycling infrastructure and facilities

8.1 Background

There is a positive relationship between cycling participation and safety. Studies from across the world have shown one of the best ways of improving safety is to actually increase the number of cyclists: inferring that as participation increases the number of injuries and fatalities declines³⁴⁸. In New York City for example between 1998 and 2008 there was a 72% decrease in the number of serious injuries to commuter cyclists even though commuter cyclist numbers doubled between 2000 and 2010.³⁴⁹

Perceived risk is an important factor influencing attitudes to cycling. An Australian study found that 25% of respondents felt that cycling was not a safe form of transport and 67% of respondents cited unsafe road conditions as a reason for not cycling more frequently.³⁵⁰ Less confident or less skilled cyclists can feel vulnerable sharing road space with motor vehicles, particularly where there are high levels of traffic or high traffic speeds.

This point has been supported by a number of submitters to the Inquiry who also suggested safety, and the current level of infrastructure facilities for cyclists, is a key contributor to the low cycling participation rate in Queensland, particularly cycling for utility purposes:

*Government initiatives to encourage more people to commute by bike are commendable. However, bike corridors like the Western Freeway-Centenary and Bicentennial bikeways will never be utilised to their full potential until people feel they can cycle safely along the entire length of their commute.*³⁵¹

*Perceived safety risks are a major barrier to cycling. Women in particular are afraid to cycle and see safety as a major barrier. The national Women and Cycling Survey (Cycling Promotion Fund and Heart Foundation, 2013) found that a lack of safe cycle paths is stopping women from cycling. More than 60 per cent of women (equivalent 5.2 million women) said they would like to cycle more often, with 50 per cent identifying that having more separated cycle paths, bike lanes and wider lanes on the road would be the main reason that would encourage them to cycle more.*³⁵²

Marilyn Johnson, a research fellow at Monash University's Accident Research Centre, is quoted as saying "One of the greatest hurdles for cyclists is the haphazard provision of bicycle lanes: excellent tracks that stretch for several kilometres and then vanish; lanes that expand and shrink to less than the width of a handlebar with little warning; and motorists who routinely ignore bike lanes".³⁵³

Unfortunately, increasing the number of bicycles on the road may initially create a clash of perspectives and is a sensitive issue for other road users who may object to "sharing" road space with cyclists. Infrastructure can help diffuse this tension by improving driver awareness, separating the spaces where other vehicles and bicycles interact, and minimizing the potential points of conflict between road users.

³⁴⁸ Petro, J. Ganson, L., Vision Zero: How Safer Streets in New York City Can Save More Than 100 Lives a Year. Drum Major Institute for Public Policy, Transportation Alternatives. (2011); Jacobsen PL. Safety in numbers: more walkers and bicyclists, safer walking and bicycling. Injury Prevention. (2003); and Portland Bureau of Transportation. Portland Bicycle Count Report 2009. Portland.

³⁴⁹ NYC Dept. of Transportation 2011 www.nyc.gov/html/dot/downloads/pdf/nyc_cycling_safety_indicator.pdf

³⁵⁰ Cycling Promotion Fund and Heart Foundation (2012), Riding a Bike for Transport: 2011 Survey Findings: 5

³⁵¹ Submission 78: 3

³⁵² Submission 100: 3

³⁵³ <http://www.smh.com.au/national/reflecting-on-a-tragedy-20111125-1nzd7.html#ixzz2k0uHplBv>

A paper prepared by the State Cycle Unit, TMR argued that infrastructure was in fact the most critical factor influencing cyclist safety:

*... it is the contention of this paper that, although educational and enforcement countermeasures may serve to increase safe cycling, they are likely to provide benefit only in the short term. In light of this, it is proposed that engineering countermeasures that focus on changing the road environment to give cyclists their own space are imperative to increase safe cycling in the long term... Such countermeasures would realize and consolidate perceptions that cyclists are legitimate road users, thus providing "head space" in the minds of motorists...*³⁵⁴

A view supported by the Suncoast Cycling Alliance:

*There is no doubt to us, and anecdotally, that good-quality cycling infrastructure makes cycling safer and reduces the loss of life and ongoing disability for the unfortunate people who have accidents.*³⁵⁵

The Queensland Government claims to have a world class cycling infrastructure network and has established ambitious targets to increase its principal cycle network by more than 3000kms by 2026 in order to support a sustained increase in cycling participation and active transport. However, the extent of Queensland's current cycle network is hard to determine as it is subject to different measurement characteristics and definitions. For example:

- As shown in Figure 21 below, the TMR reported there to be approximately 665km of existing cycle network infrastructure across the SEQ region as of November 2007.³⁵⁶

LGA	2003 SEQ Integrated Regional Cycle Network Plan			2007 SEQ Principal Cycle Network Plan		
	Existing	Proposed	Total	Existing	Future	Total
Beaudesert	0	102	102	0	68	68
Boonah	0	41	41	0	9	9
Brisbane	92	315	407	223	645	868
Caboolture	17	131	148	31	165	196
Caloundra	2	80	82	31	159	190
Esk	0	85	85	0	19	19
Gatton	0	61	61	0	15	15
Gold Coast	61	256	317	194	311	505
Ipswich	7	177	184	8	238	246
Kilcoy	0	36	36	0	9	9
Laidley	0	32	32	0	23	23
Logan	19	57	76	30	143	173
Maroochy	16	132	148	51	225	276
Noosa	2	40	42	12	104	116
Pine Rivers	10	60	70	31	120	151
Redcliffe	19	14	33	25	31	56
Redland	25	48	73	23	166	189
Toowoomba	0	0	0	6	25	31
Total km	270	1667	1937	665	2475	3140

Figure 21: Comparison of local government network kilometres (as at November 2007)³⁵⁷

³⁵⁴ Cyclist Safety In Queensland: Crash Factors and Countermeasures' (2001) Thornton, B., Johnston, K., & McNevin, B.; State Cycle Unit, Queensland Transport, Australia: 5

³⁵⁵ Mr Jones, Transcript Public Hearing 21 August 2013: 4

³⁵⁶ Queensland Transport, SEQ Principal Cycle Network Plan, 2007

³⁵⁷ Queensland Transport, SEQ Principal Cycle Network Plan, 2007

- The BCC claims to provide a city cycleway network of 1100kms, which includes more than 10,850kms of formed and unformed footpaths and more than 760kms of on and off-road cycleways.³⁵⁸ It is unclear however if the on-road cycleways figure is limited to dedicated “cycle lanes” or inclusive of bicycle awareness zones and shared lanes.
- Cairns City Council reported in 2010 as having an existing walk and cycle network covering a total distance of about 500kms, of which 455kms are off-road paths and 53kms are on-road cycleways designated with marked lanes or pavement symbols.³⁵⁹
- The Sunshine Coast Regional Council identifies more than 1000kms of off-road pathways and on-road facilities comprising their existing ‘cycle network’. Of this 1060kms are off road pathways but for which the council notes only 40% of pathways are wider than 1.8 metres, and only 5% meet the required width of at least 3.0 metres required to be a genuine ‘shared user’ facility. A further 630kms of on-road facilities are provided across council and TMR controlled roads, of which only 240kms (or 38%) meet Austroads standards for safe cycle infrastructure (and the remaining 390kms do not).³⁶⁰

By comparison, Queensland is falling behind other jurisdictions in terms of the provision of ‘dedicated’ and ‘genuine’ bicycle networks :

- The bicycle network in the City of Melbourne is made up of approximately 120kms of bicycle routes, of which approximately 52kms are on-road and 68kms are off-road³⁶¹. Overall VicRoads has defined a Principal Bicycle Network covering 2,000kms of “greater” Melbourne’s main roads network.³⁶²
- The City of Sydney is in the process of building a 200kms network, of which about 55kms will be separated cycle ways. Under this project they have delivered approximately 110kms of the 200kms City network, of which 10kms is separated cycle ways, 60kms is shared paths and 40kms is other infrastructure.³⁶³
- Perth’s Bicycle Network currently includes approximately 150kms of separated cycleways/shared paths (corridors provided alongside rail ways and freeways) and 650kms of local ‘safe streets’ (signed as shared space).³⁶⁴
- ACT Government claims to have delivered over 800kms of on-road cycle lanes and off-road shared paths (however there is significant criticism of the network of on-road cycle lanes including those on the National Highway and Northborne Avenue where speeds and traffic volumes are such that they are considered “unsuitable” for the majority of cyclists).³⁶⁵
- Bicycle infrastructure in Copenhagen, recognised as the world’s leading cycling city, currently includes approximately 350kms of curb segregated cycle tracks, 23kms of on street cycle lanes and 43kms of off street green bicycle routes running through parks and other green areas.³⁶⁶

³⁵⁸ Transport Plan for Brisbane 2008 – 2026: 46

³⁵⁹ Cairns Regional Council, Cycling & Walking Strategy Review Final Report (2010): ii

³⁶⁰ Sunshine Coast Active Transport Plan 2011-2031

³⁶¹ City of Melbourne, Bicycle Plan 2012-2016: 7

³⁶² Bicycle Network, It Can Be Done: Completing Melbourne’s Principal Bicycle Network (1996): 1

³⁶³ City of Sydney, Cycle Strategy and Action Plan 2007-2017 Implementation Update – February 2012

³⁶⁴ Australian Greens, Bike Vision: The Greens 2029 Perth Bike Plan: 46

³⁶⁵ ACT Government, Transport for Canberra: Transport for a sustainable city 2012–2031 (2012): i

³⁶⁶ The City of Copenhagen. 2009. City of Cyclists: Copenhagen Bicycle Life.

http://www.kk.dk/Borger/ByOgTrafik/cyklernesby/~/_media/2504B746968944629E4A95A6B9441060.ashx

- New York City, since 2006 has retrofitted and reclaimed road space to provide 250 miles (approximately 400kms) of separated on-street bicycle laneways.³⁶⁷

It should be noted that quality and suitability of infrastructure is as important as the extent of the network infrastructure provided. Submitters were unanimous in their view that Queensland's bicycle network infrastructure was generally inadequate and contributing to poor cyclist safety outcomes.

*Brisbane does have some very good cycling infrastructure. My own commute utilises the Centenary, Western Freeway and Bicentennial Bikeways. These are superb separated infrastructure meaning about 75% of my daily commute is completely separated from motor traffic. What's in between ranges from adequate to abysmal. Unless infrastructure is such that you would feel comfortable letting an 8 year old ride their bike on it, it is not adequate.*³⁶⁸

*Roads and cycling infrastructure in Queensland often are not designed for bicycle safety, including many bicycle lanes which do not conform to Austroads guidelines...*³⁶⁹

*I commute by bicycle to the Brisbane CBD from the northern suburbs several times per week. Despite an exceptional amount of infrastructure upgrade in recent years in this northern suburb area (Clem 7, Airport link, Gateway flyover, Inner Northern Busway), there remains almost no bicycle infrastructure to speak of. (Note: There is a small section of dedicated (green painted) bicycle lane associated with the airport link works at Kedron, however nothing before or after it, so it is rarely used).*³⁷⁰

*The road design we have is arguably negligent. We have allowed roads to be built to a dimension to apply for the motor vehicle and not for the bicycle. There are standards now which are being embraced with state government policy and the like, but it takes funding—and there has been some funding reduction. We understand that it is a very difficult time for government, but it is a negligence which has to come back to safety and potentially injury and loss of life.*³⁷¹

Evidence in relation to injury and fatality statistics further substantiates this assertion. The most common causes of cyclist injury and fatalities involve being hit by a car travelling in the same direction (hit from behind), being hit from the side at intersections or from unsafe passing/overtaking manoeuvres. The data also clearly points to drivers, not cyclists, being at fault in the majority of instances.³⁷² This implies that improved design and provision of road and bicycle infrastructure (coupled with road rules and education and awareness) is an important consideration when reporting on opportunities to improve the interaction of cyclists with other road users.

8.2 Safe bicycle infrastructure and best practice

The purpose of a bicycle network is to enable cyclists of a wide range of abilities and experience to move safely and conveniently to chosen destinations via suitable desire lines. There is considerable national and international research and guidance provided in relation to best practice for bicycle inclusive road design and bicycle infrastructure.

³⁶⁷ NYC Department of City Planning. 2012. Bicycle Network Development.
<http://www.nyc.gov/html/dcp/html/bike/home.shtml>

³⁶⁸ Submission 44: 1

³⁶⁹ Submission 22: 3

³⁷⁰ Submission 23: 1-2

³⁷¹ Mr Wilson, Transcript 21 August 2013: 5

³⁷² Australian Transport Safety Bureau. 2006. Deaths of Cyclists Due to Road Crashes

The five main requirements for cycle-friendly infrastructure are outlined below.³⁷³ These were developed in the Netherlands, but have been internationally recognised as valid policy guidelines applicable for the design and planning of bicycle infrastructure believed to encourage cycling participation and an active shift from other modes of transport to cycling:

1. Safety: the (cycling) infrastructure must maximise or prioritise the road safety of all cyclists in relation to other road users and where possible reduce/avoid points of vulnerability for cyclists.
2. Coherence: the (cycling) infrastructure must form a coherent and continuous unit, linking all origin and destination points for cyclists.
3. Directness/Convenience: the (cycling) infrastructure must offer as direct a route as possible, keeping any detour to a minimum in order to maximise the convenience of cycling comparative to other modes of transport.
4. Attractiveness: the (cycling) infrastructure must be planned and built in a way that makes cycling attractive, by day and by night, in good and bad weather.
5. Comfort: the (cycling) infrastructure must ensure a quick and comfortable flow of bicycle traffic.

Australian best practice for bicycle infrastructure, based on the Austroads design guidelines, emphasises three key principles:³⁷⁴

1. The degree of separation should increase as traffic volumes and speed increases. Figure 22 reflects the guidelines for the selection of an appropriate type of bicycle facility, in relation to the degree of separation required for cyclists and the speed and volume of general traffic.
2. Bicycle lanes should be highly visible and of consistent treatment; and
3. Intersections, roundabouts and traffic lights should have bicycle friendly road treatments and bicycle lanes should be clearly marked across minor intersections and potential conflict points.

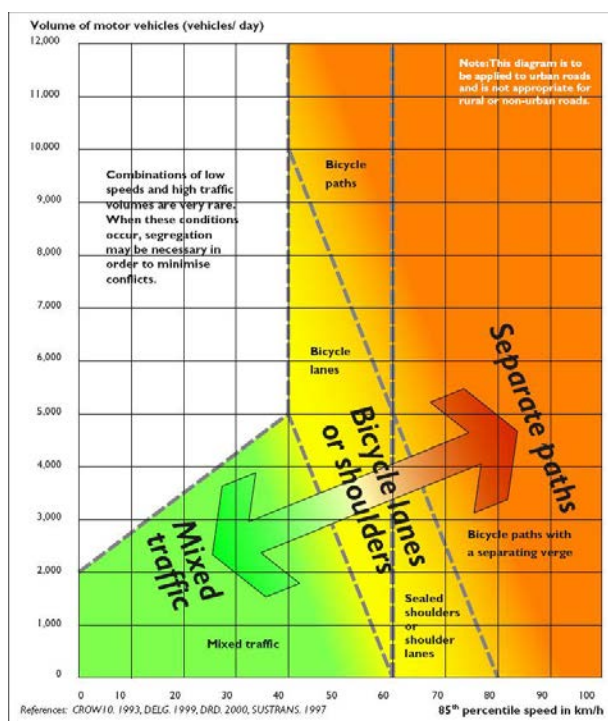


Figure 22: Recommended separation of cyclists and motor vehicles by speed and volume

³⁷³ Austroads 'Cycling Aspects of Austroads Guides' 2011: 7

³⁷⁴ Austroads, Cycling Aspects of Austroads Guides, 2011: 12

TMR provides a series of technical reference guides for people engaged in the planning and design of transport infrastructure, including cycling infrastructure, in Queensland including:

- Road Planning and Design Manual (RPDM), this will soon be renamed the Guide to Road Design Qld supplement to Austroads
- Manual of Uniform Traffic Control Devices (MUTCD)
- Traffic and Road Use Management Manual
- Austroads Guide to Road Design (GRD)
- Austroads Guide to Traffic Management (GTM)
- Cycling Aspects of Austroads Guides (CAAG).

In addition, the *NSW Bicycle Guidelines* are also approved for use in Queensland to support the selection and design of cycling facilities with a small number of practice exceptions.

However, these resources act primarily as guidelines, with there currently being no mandatory requirement for planners and developers to consider or adhere to them. Other jurisdictions across Australia are moving towards placing increased onus on planners and developers to consider best practice design guidelines in all aspects of transport asset and infrastructure delivery. It would serve the objectives of the Queensland Cycle Strategy and the growing number of cyclists on our roads well to consider adoption of best practice guidelines as “standards” within relevant planning instruments and transport infrastructure regulations to ensure that Queensland meets best practice and provides a suitable standard of bicycle infrastructure now and into the future.

*A way to improve the road infrastructure with respect to safety for cyclists would be to insist that, where road funding is provided by the Queensland Government, it is conditional upon the provision of mandated minimum standards of cycling infrastructure.*³⁷⁵

*What we need is proper infrastructure and world best practice design, even if it means taking space away from moving cars and ... where people want to park their cars. This does not mean separated Copenhagen style bike paths on every street. Obviously that is undoable. Motor vehicles are an important part of our transport network and they probably will be for a very long time to come, but what it does mean is taking the lead at both the state level and at all government levels, working out connected paths that people can use and building the infrastructure there.*³⁷⁶

Despite the recognised importance of advancing Queensland’s network of cycle infrastructure and ensuring infrastructure meets best practice and safety standards, information and data in relation to the current bicycle network does not appear to be collected in a rigorous, coordinated or consistent manner in Queensland. As has been noted elsewhere in this Report, this fact not only makes assessment of progress against cycling targets and the justification of network investment difficult, but also restricts the ability for road authorities to adequately plan for and meet the needs of cyclists and other road users.

There is therefore a strong argument for the establishment of a comprehensive, amalgamated and consolidated dataset of pathways and on-road facilities across all regions of Queensland. This database should also assess the type and quality of the state-wide network, monitor the condition of the bicycle facilities, and be updated regularly as new infrastructure and facilities are developed. This would not only assist with local and state government planning and infrastructure investment, but serve to inform current and potential cyclists about active transport and recreational cycling opportunities.

³⁷⁵ Submission 39: 4

³⁷⁶ Transcript Public Hearing 21 August 2013: 18

As an example, the Sunshine Coast Regional Council conducted an assessment of existing infrastructure across the Sunshine Coast region in 2011. All existing on- and off- road facilities were rated as either meeting standard or being below standard to give a snapshot of the existing network, and a programmed process of path asset condition and safety audits and assessments has also been implemented. Refer to Figure 23 below for a summary of their network assessment.³⁷⁷

Figure 23: Sunshine Coast Regional Council Bicycle Infrastructure Assessment

Table 7.4: Total length of existing pathways

Path Width	Length	% of total network
1.2m and less	457km	43%
1.3m to 1.8m	166km	16%
1.9m to 2.9m	377km	35%
3.0m and greater	14km	6%
Total Length	1,060km	

Table 7.5: Length of existing on-road facilities

Control	Network length	At standard ¹	Below standard
Council	275 km	72%	28%
TMR	355 km	12%	78%
Total length	630 km		

(1) Compared to Austroads standards and includes unmarked shoulders of suitable width

8.2.1 Committee comment and recommendations

The Committee notes that an important element of the overall strategy to improve cycling participation is the provision of cycle infrastructure that meets best practice design criteria and accommodates the broadest range of cyclists. The provision of cycle-friendly infrastructure has been recognised as not only providing for improved safety outcomes across all road users, but also improving the perception of cycling safety and supporting the process of cultural change and awareness of cyclists as legitimate road users by other motorists.

The Committee has noted the concerns raised and the evidence provided by numerous submitters about the current quality and standard of cycling infrastructure provided across Queensland and agrees that the Queensland Government should take action to ensure the consistent application to best practice road and cycle infrastructure design guidelines and standards and mandatory adherence to these standards for all local, state and federal transport assets and projects.

The Committee has also noted that currently there is not any comprehensive database of all pathways and on-road cycling facilities in Queensland, nor is there any process or system for assessing or monitoring the standard and conditions of the current cycle network. It is the view of the Committee that a centralised state-wide database would provide numerous benefits for infrastructure planning and investment, cyclist safety and cycling participation. Accordingly the Committee is recommending that TMR, as lead agency, should work with all local governments to develop a state-wide cycle network database and assessment/quality monitoring system.

³⁷⁷ Sunshine Coast Regional Council, Sunshine Coast Active Transport Plan 2011-2031: 6, 42 and 43

Recommendation 35

The Committee recommends that the Minister for Transport and Main Roads review available best practice guidelines and develop a Queensland Cycle Infrastructure Standard to guide the design and placement of bicycle network infrastructure across Queensland.

Further the Committee recommends that this “standard” be adopted within relevant planning instruments and transport infrastructure regulations to ensure consistency of implementation by local, state and federal government in the provision of cycle infrastructure in Queensland now and into the future.

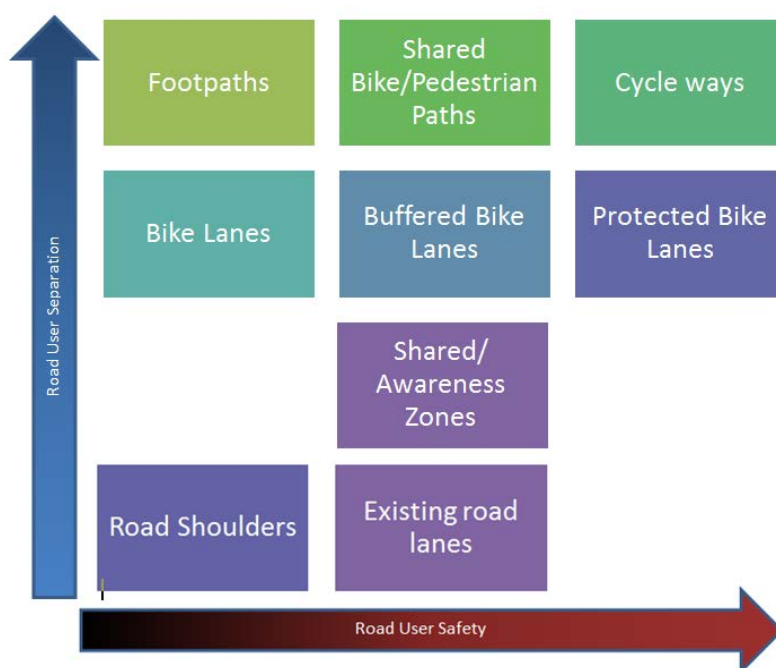
Recommendation 36

The Committee recommends that the Department of Transport and Main Roads, as lead agency on cycling, coordinate with local government authorities, to establish an amalgamated state-wide cycle network database and infrastructure quality assessment monitoring system which is transparent, regularly updated and publically available; and which assesses infrastructure against the adopted Queensland Cycle Infrastructure Standards (see recommendation 35).

8.3 Infrastructure priorities: delivering a safe bicycle network

As discussed in the previous section, the central premise of all best practice design principles and standards for road infrastructure is the importance of separating bicycles (and other vulnerable road users) from higher speed motorised vehicles. A range of bicycle infrastructure options are available when planning, designing and delivering a bicycle network. The following diagram compares those infrastructure options commonly used across Queensland in a matrix of degree of separation from other road users/vehicles and the degree of increased safety provided.

Figure 24:



The following discussion highlights a number of critical issues raised throughout the Inquiry in relation to bicycle network infrastructure in Queensland.

8.3.1 Bicycle lanes

Bicycle lanes are intended to provide separate or delineated space for cyclists on roads. The Austroads Cycling Aspects of the Austroads Guides³⁷⁸ notes that on-road bicycle lanes lie in the middle of the hierarchy of needs for level of safety and priority for cyclists below off-road exclusive bicycle paths and on-road segregated bicycle lanes but above shared awareness lanes.

In summary, best practice design principles for cycle lanes specify:

- The minimum width of a painted bicycle lane is 1.5m on 60km/h roads, though up to 2.0m is preferred, with 1.8m being comfortable for most cyclists.
- Bicycle lanes should be clearly marked across minor intersections with continuity lines. Colored pavement is recommended to mark bicycle lanes across potential conflict points, including minor intersections, slip lanes and merge/exit lanes.
- Motor traffic is generally and should be prohibited by traffic regulations from travelling in the bicycle lane except to access property or to turn at intersections.
- Bicycle lanes can be placed alongside parking bays but should provide adequate space for both parked cars and the continuous travel of cyclists. That is, bicycle lanes should not be placed over the space delineated/intended for the parked car.
- Bicycle lanes (and cyclist safety) can be enhanced through the use of: tactile line marking (vibra-line) and chevron spacing between moving vehicles and/or parked cars. The next step is physical rather than visual separation such as: roll over kerbs, and reinforcement of the separation strip through such treatments as flexible traffic poles. Higher speed and volumes roads should provide more physical separation.³⁷⁹

Figure 25: Examples of on-road separated bicycle lanes which meet design standards³⁸⁰



Protected bicycle lanes are considered the most advanced (on-road) safety treatment for cyclists. Protected bicycle lanes are lanes which provide cyclists exclusive space in the roadway by separating them from cars using permanently installed structures such as fencing, posts, chicanes/curbs or car parking lanes. The advantages of protected lanes are that they increase cyclist perception of safety and comfort, eliminates the risk and occurrence of accidents with other road traffic, reduce “dooring” crashes, and prevent motorists parking in bicycle lanes.

³⁷⁸ Austroads Cycling Aspects of the Austroads Guides (2011): 23-31

³⁷⁹ Bicycle Network Good Design Guides <https://www.bicyclenetwork.com.au/general/bike-futures/94182/>

³⁸⁰ www.bicyclenetwork.com.au/general/bike-futures/94180/; Australian Bicycle Council – Cairns Bicycle Infrastructure 2012 (Facebook album <https://www.facebook.com/australianbicyclecouncil>)

The critical issue for bicycle lanes currently provided across Queensland is that a great majority of them have not been implemented in accordance with best practice design guidelines. Some of the more critical elements not being met, as suggested by evidence provided to the Inquiry, include:

- Not meeting recommended width, placement and separation standards.

*...in regional centres many State roads do not provide for cyclists to travel safely...For instance, in Bundaberg where I live and ride, travelling along the three major feeder roads whilst riding to work in the central business area is fraught with risk for the cyclist. This problem is exacerbated where such roads are the responsibility of Regional Local Government. In many cases, even the very minimum requirements to allow cyclists to travel in modest safety, is not provided for.*³⁸¹

- Not providing a continuous route, with many ending abruptly and or not connecting with other bicycle infrastructure and leaving cyclists “stranded” in traffic/road lanes.

*One of the most bizarre things we see throughout Brisbane is bike lanes that suddenly disappear where they are needed most – intersections, roundabouts, where lanes split or merge. A great example is on Roma Street, just past Parklands Drive. These are examples of infrastructure that might as well not be there. It shepherds cyclists into a position that is actually dangerous with poor options once you reach it and boxed in by motor traffic.*³⁸²

- Other road treatments/infrastructure such as traffic calmers, islands and curbs creating pinch or squeeze points for cyclists where the road/bicycle lane narrows and separation between cyclist and motor vehicles is reduced.

*Bicycle lane designs are horribly stupid in many parts. Bike lanes marked adjacent to parallel parked cars, to the left of left turn lanes, and now with street furniture to make riding more hazardous. Furthermore, a bike lane often makes sharing the road harder and more dangerous, and perpetuates what some motorists feel, that bicycles are not legitimate vehicles to be used on the road, by beginning to segregate bicycles from the motor traffic.*³⁸³

- Not being free of obstructions with no rules or mechanisms in place to prevent other vehicles parking/stopping within bicycle lanes and leaving cyclists stranded in traffic/road lanes.

*Allowing cars to park in Bicycle Lanes makes a mockery of the concept of dedicated on-road infrastructure for cyclists, and creates dangerous interaction between bicycles and motor vehicles. Queensland is almost unique in Australia in allowing this. Our state is trying to have its cake (parking) and eat it (bicycle lane) too.*³⁸⁴

The Bicycle Network Victoria notes the following in relation to combined parking and bicycle lanes:

*Bike lanes with parked cars do not work. Road authorities should either provide exclusive bike lanes with no parking, or shared bike parking lanes wide enough to fit parked cars and bikes. Not narrow bike lanes that allow parking.*³⁸⁵

Further the Sunshine Coast Regional Council, whilst acknowledging the public sensitivity of the issue, agreed that parking should be prohibited in bicycle facilities:

Regarding vehicle parking in bicycle lanes, the ability for vehicles to legally park in these lanes is a strange case... A bicycle lane should be either a lane dedicated to moving bicycles or an area dedicated to parking vehicles. It cannot be both safely. Council supports

³⁸¹ Submission 39: 3

³⁸² Submission 44: 2-4

³⁸³ Submission 28: 2

³⁸⁴ Submission 22: 3

³⁸⁵ www.bicyclenetwork.com.au/general/bike-futures/94179/

*prohibiting vehicles from parking in bicycle lanes. This change needs to be clearly communicated to our community.*³⁸⁶

Based on current practices it is understandable that submitters and cyclists believe that the provision of bicycle lanes across many areas of Queensland do not reflect a genuine attempt by road authorities to accommodate cyclists as a legitimate road user.

Accordingly, as the speed limit in Queensland is typically 50km/h in built-up residential areas unless signed otherwise (with the speed limit typically being 60km/h on other roads in built-up areas) the standard in Queensland for all new road projects should aim to include a separated bicycle lane with preference for a protected bicycle lane where the road environment/conditions requires this additional level of cyclist-motorist separation.

The same standard application should be applied to existing road transport assets along principal bicycle network routes through a process of priority retrofitting. One option may include making a minimum commitment to delivering a network of protected and/or separated bicycle lanes. For example 50% of Queensland's road/cycle network to have protected bicycle lanes by 2020, in which case Queensland would be amongst the first jurisdictions in Australia to establish targets for achieving best practice infrastructure for cyclists.

In relation to optimal positioning of bicycle lanes in the presence of parking zones, there is an increasing trend and support for the use of kerbside running bicycle lanes (also referred to as Copenhagen style bicycle lanes). For example one of the key recommendations from a coronial inquest into the death of a cyclist in Victoria in 2011 was the 'relocation of bicycle lanes to the left of parking lanes in an effort to reduce the 'dooring' risk faced by cyclists'.³⁸⁷ A number of submitters to the Inquiry indicated a preference for the placement of bicycle lanes kerbside and to the left of parking bays/zones noting that this treatment not only provides greater separation/protection from motor vehicles but also significantly reduces the risk of 'dooring' injuries which are a common threat to cyclists when forced to travel to the right of parked vehicles.

*In Brisbane the majority of on road bicycle lanes are also car parking areas. As a result, cyclists are forced to either ride in the 'door zone' as described above, or ride close to or inside the adjacent car lane. Both options present significant danger for the cyclist... where parking is allowed adjacent to a designated bike lane... road design guidelines [should be amended] to ensure the bike lane is on the left of parked cars, not between parked cars and moving traffic.*³⁸⁸

8.3.2 Shared lanes and bicycle awareness zones

The practice of using shared lane markings is a world-wide trend in bicycle lane provision and appears to be the most commonly applied bicycle provision across Queensland. Otherwise known as a 'Bicycle Awareness Zone' or BAZ, these zones are intended to act as advisory markings to alert other road users to the shared presence of cyclists within existing road lanes.

The latest evidence suggests that shared lane markings need to be implemented selectively, and with care as incorrectly used, advisory markings have been proven to increase the risk of conflict or collision between bicycles and motor vehicles.³⁸⁹ The other issue arising across Queensland, and noted by a number of submitters to the Inquiry, was the inconsistent application and lack of specific guidance or legal standard in their use. Importantly as the Bicycle Network of Australia has indicated "advisory markings don't mark a separate space for bikes and may not suit a wide range of potential

³⁸⁶ Transcript 27 August 2013: 3

³⁸⁷ Coroners Court of Victoria, Report 1041/10 Finding into Death with Inquest, 10 November 2011: 15

³⁸⁸ Submission 58: 35

³⁸⁹ VicRoads, Evaluation of Shared Lane Markings for Cyclists, 2013: 38-40

riders". This point is not well understood by other road users and is believed to contribute to poor levels of acceptance of cyclists on Queensland roads by motorists.

A number of submitters to the Inquiry indicated a preference for the use of "sharrows" as an alternative treatment to the current BAZ markings.³⁹⁰ It was argued that "sharrows" improve the recognition and understanding by other road users of the intended purpose of shared lane markings.

I strongly agree with the [TMR evidence relating to inconsistent use of BAZs]... my own experience strongly agrees with the findings therein, and I would like to see the implementation of formal bicycle facilities in lieu of BAZ zones.³⁹¹

We have talked about infrastructure and we have talked about BAZ. BAZ is not an example of road reassignment. BAZ is an example of raising an awareness of the presence of a cyclist—that you might see a bike. It is not network; it is not facility. I think there is an overuse of BAZ in circumstances where genuine networking facilities should be considered.³⁹²

We are using the yellow BAZ symbol to try to claw back something to have a bit of awareness. It probably has met its time line after 15 or 20 years of use to not really be relevant in the world going forward. We know that world's best practice is segregation. The world's best practice is probably to realign roads in a way that still allows a hierarchy where vehicles need to travel and where bicycles need to travel.³⁹³

Figure 26:



Example of current shared lane marking: 'Bicycle Awareness Zone' (BAZ)³⁹⁴



Example of improved shared lane marking: Sharrow³⁹⁵

Regardless, the evidence suggests there needs to be more guidance on advisory shared lane marking so that their usage is consistent across jurisdiction and traffic regimes. Yet there are currently no standards for the installation of bicycle advisory markings anywhere across Australia. Queensland has the opportunity to lead the way and be the first jurisdiction to adopt standards for the application and treatment for such cycling infrastructure.

³⁹⁰ See submissions 22, 38, 58, 71, 75

³⁹¹ Submission 72: 5

³⁹² Mr Johnson, Transcript 16 October 2013:15

³⁹³ Mr Wilson, Transcript 16 October 2013:15

³⁹⁴ Submission 22:7

³⁹⁵ www.bicyclenetwork.com.au/general/bike-futures/94180/

8.3.3 Committee comment

The Committee considers that on-road bicycle infrastructure (namely bicycle lanes and bicycle awareness zones) are being used inappropriately and not in accordance with their intended purpose, in many cases failing to meet Australian and international road design standards.

The Committee is concerned that the inappropriate use of on-road bicycle infrastructure across Queensland is compromising the safety of cyclists and other road users creating an urgent need to review the design, placement and use of on-road bicycle infrastructure and differentiate between infrastructure intended to act as dedicated/separated cyclist facilities and that intended to be a shared awareness zone.

Specifically, the Committee notes the safety and compliance issues raised by submitters in relation to the placement and use of on-road bicycle infrastructure (bicycles lanes, BAZ) and believes that cyclists are best provided for through the consistent application of improved design standards which aim wherever possible to separate cyclists from other road users as recommended above. The Committee also notes the need to minimise the impact of parked cars to cyclist safety, and is therefore recommending changes to the Queensland Road Rules to specify that bicycle lanes are to be treated as clearways between 6-9am and 3-7pm weekdays (see recommendation 25).

The Committee is of the view that it would be desirable for the Queensland Government to adopt a series of cycling infrastructure standards specifically addressing the use and treatment of bicycle lanes and shared lane markings within law to ensure consistent application and highest possible safety outcomes across the states entire road and transport asset network.

8.3.4 Off-road bicycle facilities/infrastructure³⁹⁶

Providing for cyclists 'off-road' represents the full extension of the separation of cyclists from other motorised vehicles and is considered the preferred and safest treatment for the majority of cyclists and cycle activity types. There are three main path types for cyclists recognised under the Austroads Guidelines: exclusive bicycle path (cycleway), separated path and shared path. In Queensland (as well as in Tasmania, ACT and NT) cyclists of all ages are also permitted to ride on footpaths.³⁹⁷

Generally the provision of exclusive bicycle paths/cycleways is supported by user groups, and where they are provided, are recognised as providing a very high level of safety, convenience and comfort for cyclists. However there are only a limited number of these dedicated facilities across Queensland.

Typically off-road cycle infrastructure across Queensland takes the form of shared or separated paths, with footpaths also forming a large part of Queensland's bicycle network. This gives rise to safety concerns and issues of conflict between cyclists and pedestrians. For example in 2011, a national pedestrian lobby group, the Pedestrian Council of Australia called for cyclists to be banned from all Brisbane footpaths shared with walkers and joggers.³⁹⁸

A national study commissioned by Austroads in 2006 found that many of the pedestrian-cyclist issues were generally attributable to "behavioural" issues such as lack of courtesy, poor understanding of the shared nature of the path and perceptions of risk linked to cyclist speed; and that these issues can typically be addressed through a combination of education, application of shared path user rules and enforcement. However the study noted that path design also plays a role, and adherence to best

³⁹⁶ Off-road bicycle infrastructure refers to any bicycle facility located on a road-related area paralleling a road, or through parks or reserves, or within public transport corridors and other public or private land not open to motor vehicle traffic.

³⁹⁷ In other states, the riding of bicycles on footpaths and other designated pedestrian zones is not permitted, unless it is a designated 'shared path' or the rider is under 12yrs or accompanying someone under 12yrs.

³⁹⁸ <http://www.brisbanetimes.com.au/queensland/pedestrians-call-for-cycle-ban-20110310-1bpej.html#ixzz2jivT7clC>

practice standards provides for the safe interaction between cyclists, pedestrians and other path users.³⁹⁹

This point is supported by submitters to the Inquiry who raised a number of concerns relating to the current standard and treatment of shared paths and footpaths across Queensland's cycle network. These issues and associated recommendation have been summarised below.

Speed of cyclists on shared off-road pathways

Pedestrians often take issue with speeds at which cyclists travel on shared paths, however officially the QRR and NRR do not apply any speed limits for bicycle paths. TMR has advised that unless otherwise signed, footpaths and bicycle paths have the same speed limit as the road to which they are adjacent. Some sections of Brisbane bicycle paths have signed speed limits for example, the Story Bridge has a 20 km/h speed limit, cyclists on the Goodwill Bridge cannot travel faster than 10 km/h, and there is a 15km/h speed limit along the Southbank promenade. Cyclists can be fined if they exceed the speed limit and can also be penalised for "causing a traffic hazard" if they are deemed to be using the path in an unsafe way. This example also raises a further issue in that there is clearly no consistency in the application of speed limits to cycle facilities and questionable consideration given to the most appropriate speed limit.

Unfortunately the current Austroads design standards do not recommend or provide any guidance in relation to appropriate speed limits for shared paths and cycleways, other than to specify that *shared paths must be able to accommodate the range of speeds at which cyclists travel, recommending that standard shared footways should accommodate cyclists travelling at up to 30 km/h, and that where it services a high proportion of commuting cyclists it should be up to 50 km/h.*

Whilst regulating a speed limit on shared bicycle paths may be a desirable option for managing conflict between users and achieving consistency across Queensland's bicycle network, this option may prove highly problematic given the difficulties of enforcement and the fact that appropriate speed will vary depending on structure of facility and level of activity/use. Enforcing a speed limit may also have the undesired effect of deterring some cyclists from using the facility. Accordingly "advisory" speed limits (complemented by signage and education and awareness programs) may prove more beneficial.

Separation, line markings and signage

The ARR and QRR (sections 251 - 253 and 258) specify that on shared paths, cyclists must give way to pedestrians and ride in a manner that does not inconvenience or endanger other footpaths users, which includes warning others as they approach them with a bell. There are no rules which specifically apply to pedestrians on shared paths,⁴⁰⁰ however the 'keep-to-the-left' principle is widely recognised as a general courtesy to other footpath and shared path users (and reinforced through signage along pathways).

There is strong evidence that increasing the separation of cyclists and pedestrians reduces opportunities for conflict and improves perceptions of safety risk and therefore acceptance between user groups.⁴⁰¹ Separation can take the form of physical barriers (raised kerbs and fencing), advisory line markings and/or advisory signs.

³⁹⁹ Pedestrian-Cyclist Conflict Minimisation on Shared Paths and Footpaths (2006) Austroads
www.austroads.com.au/abc/images/pdf/ped-cyclist_conflict_minimisation_on_shared_paths.pdf

⁴⁰⁰ In 1999 the National Road Transport Commission amended the National Road Rules to remove the requirement for pedestrians to keep left on footpaths and shared paths.

⁴⁰¹ For example, the introduction of pavement markings in the form of a centre white line and additional signage such as opposing arrows by Bicycle Victoria has shown 29% more users moving to the left.

Transitioning between on-road and off-road cycle facilities

As was noted above, a further safety issue for cyclists arises when on-road bicycle lanes end abruptly and do not connect with other cycle infrastructure, leaving cyclists “stranded” in traffic/road lanes. In these cases it is an implied assumption that cyclists will choose one of two options: to merge with other traffic within the lane (more advanced cyclists); or exit the road lane and transition onto other off-road facilities such as shared paths and footpaths.

However, a number of submitters noted that in many cases road and kerb treatments do not provide for easy transition for cyclists between on- and off-road cycling facilities in the approach to or at the point where on-road bicycle lanes end. It is therefore recommended that as part of proposed amendments to Queensland standards for the design and placement of on-road bicycle infrastructure, that placement of bicycle-friendly kerb mounts and footpath connections be installed at the entry and exit points to on-road bicycle lanes.

8.3.4.1 *Committee comment and recommendations*

The Committee acknowledges the benefit of separating cyclists from other road users where practical and affordable and supports increased provision and use of off-road paths and cycleways as a core part of Queensland’s principal bicycle network.

Submitters and other stakeholders have also commented on the potential hazards and opportunity for conflict between users on shared pathways, which the Committee believes can best be managed in a behavioural sense through education and awareness strategies.

The Committee has noted that pathway design and user rules can also provide additional benefit for the safe interaction between cyclists, pedestrians and other path users and recommends the adoption of standards for the installation and treatment of pathways intended to form part of Queensland bicycle network.

Recommendation 37

The Committee recommends that the Department of Transport and Main Roads work with relevant road authorities throughout Queensland to ensure the Austroads ‘standard’ is applied (as a minimum) for the placement of dedicated bicycle lanes ensuring that: where possible adequate lane width and separation from other road users is provided; and where parking zones are present, bicycle lanes are provided adequate space away from “dooring” area of parked cars.

The Committee further recommends that:

- a) where the above standards cannot be met with respect to width and separation, bicycle lanes be removed and replaced with alternative cycle facilities that do not compromise the safety of cyclists and other road users and
- b) where parking zones are present adjacent to a designated bicycle lanes that ‘kerbside running’ bicycle lanes, which position the cyclist to the left of parked cars and moving traffic between the curb and the car zone (also known as Copenhagen bicycle lanes) be adopted as the best practice and preferred standard for all new and upgraded cycle infrastructure.

Recommendation 38

The Committee recommends that the Department of Transport and Main Roads work with relevant road authorities throughout Queensland to ensure:

- the current use of Bicycle Awareness Zones associated line markings are replaced with the more widely used and easily recognizable “sharrows” placed in the centre of the shared lane space.
- a ‘standard’ is developed for the installation and treatment of shared lane facilities such as “sharrow” markings so that their usage is consistent across Queensland and traffic regimes. The standard needs to make it clear that advisory markings have only a limited use, restricted to lower speed and lower volume traffic conditions in accordance with the best practice/design standards recommended in Recommendation 8.1 above and
- that implementation of this recommendation is supported by an appropriate education and awareness campaign to explain the concept to all road users of “shared” zones.

Recommendation 39

The Committee recommends that if recommendations 37 and 38 not be adopted, the Department of Transport and Main Roads work with local governments across Queensland to review the current placement and use of on-road bicycle infrastructure (namely bicycle lanes and bicycle awareness zones) across Queensland to determine if they are meeting their intended objectives and providing for the safety of cyclists and other road users.

Recommendation 40

The Committee recommends that the Department of Transport and Main Roads work with relevant road authorities throughout Queensland to ensure the Austroads ‘standard’ is applied (as a minimum) for the installation and treatment of off-road shared user pathways and cycleways and ensure the consistent application of these standards across Queensland’s cycle network.

The Committee recommends that the standards for off-road shared user pathways and cycleways should specifically address:

- the use of consistent advisory speed limits on shared pathways and cycleways
- optimal use of separation, line markings and signage on shared pathways and cycleways and
- placement of cycle-friendly kerb mounts and footpath connections installed at the entry and exit points to on-road cycle lanes.

8.3.5 Roundabouts and intersections

Intersections including roundabouts, where cyclists must cross the path of other traffic and/or be exposed to other vehicles crossing their path, are a determining factor in the comfort, safety and risk of a bicycle network. Evidence confirms that poorly designed intersections and roundabouts which do not accommodate cyclists contribute significantly to the incidence of injuries and fatalities to cyclists (education and non-adherence to road rules at intersections and roundabouts is also a deciding factor).

For example:

- According to Queensland crash data (for the period 2003-2012), the majority (56%) of road crashes where a bicycle was involved occurred at intersections, of which 29.4% occurred at a T-Junction, 15% at a cross-intersection, and 10% at a roundabout. Of the crashes between 2003 and 2012 which resulted in a cyclist fatality, 42.0% occurred at an intersection (19.8% at a T-Junction, 13.6% at a cross-intersection, and 8.6% at a roundabout).⁴⁰²
- In Melbourne, collisions at roundabouts account for 8% of all crashes/motor incidents; of these 48% involve a cyclist/bicycle. Furthermore 60% of cyclist-motor vehicle crashes at roundabouts occurred when a driver entering the roundabout failed to give way to a cyclist already travelling within the roundabout.⁴⁰³
- Similarly, in NSW 18% of crashes at roundabouts and 6% of crashes at signalised intersections involved a cyclist. Focusing on roundabout incidents involving a cyclist alone, 70% occurred as a result of a motor vehicle failing to see and give way to the cyclist already on the roundabout.⁴⁰⁴
- International studies have found that worldwide an average of 17% of all bicycle crashes at roundabouts occur when cyclists are struck by a motor vehicle entering or existing the roundabout where they failed to see and give way to the cyclist.⁴⁰⁵

These studies confirm the increased risk of crash at intersections and roundabouts and the need for the improvement of the design standards and provisions for cyclists at intersections and roundabouts. In both cases provisions need to be made which improve the visibility and protection of cyclists travelling through intersections and roundabouts.

For example, the Heart Foundation suggested that bicycle storage areas should be installed *in all practicable instances at intersections, regardless of whether a cycle lane leads to that intersection, for increased visibility and awareness that bicycle riders are present.*⁴⁰⁶

Submitters to the Inquiry made numerous references to incidents occurring at and their safety concerns at intersections and roundabouts as well as offering a number of recommendations in relation to intersections and roundabout improvements. Many of these suggestions reflect best practice applied in other jurisdictions and are supported by evidence demonstrating improvements in safety outcomes as summarised below.

Roundabout Option 1. Change to design standards for roundabouts which changes the entry angle

It has been argued that the main reason cyclists get hit in roundabouts is because the design of the roundabouts (flared/angled entries and exits) reduce the visibility at the right-hand margin and also do not encourage reduced speeds in the approach to roundabouts. In Europe (Germany, France Netherlands and Denmark) non-flared roundabout entries force all users to slow down and change the way the driver looks for traffic already in the roundabout providing a greater range of vision.

Roundabout safety for cyclists is a critical discussion point in London, UK at the moment following reports of increased frequency of “conflict” between cyclists and motorists. In particular they noted increasing frequency of accidents involving cyclists and heavy vehicles. The previous Transport for London design retained the angular high-speed approach, standard in Australia, however Transport

⁴⁰² TMR WebCrash Database www.webcrash.transport.qld.gov.au/webcrash2/

⁴⁰³ VicRoads Cycle Notes No. 15, Providing for Cyclists at Roundabouts (2005): 2

⁴⁰⁴ Robinson, D.L. (1998) ‘Accidents at Roundabouts in New south Wales’. Road Transport Research, vol 7 no. 1:3-12

⁴⁰⁵ Jordan P. (1986) Pedestrians and Cyclists at Roundabouts. Proceedings, 3rd National Local Government Engineers Conference

⁴⁰⁶ Submission 100:5

for London has recently agreed that new roundabout designs incorporating separated/protected paths for cyclists and right angle approaches.

The updated UK design guidelines/standards now make the following recommendations in relation to roundabouts:

Where feasible, roundabouts on cycle friendly routes should be designed for lower vehicle speeds to allow cyclists to take up a position in the centre of the circulatory carriageway, where motorists are most likely to see them. Lower speeds also help pedestrians crossing the arms.

Entry and exit lanes that are aligned to be more radial than tangential to the circulating carriageway help reduce vehicle speeds by creating greater deflection. Single lane entries and exits ensure that sightlines are not obscured by other vehicles and prevent drivers from taking a "racing line" through the roundabout.

Accidents involving cyclists can be reduced by around 70 per cent on roundabouts with fulltime signals on all or some of the arms.

If none of the above is practicable, it may be worth introducing peripheral cycle tracks, possibly with Toucan crossings on the arms. Peripheral cycle tracks offer a safe alternative, but they add considerably to the journey time and effort involved.⁴⁰⁷

Roundabout Option 2. Change to design standards to provide for 'protected' and/or 'separated' cycle lanes through high traffic volume and higher speed roundabouts

Best practice applied throughout Europe is the separation of cyclists from other road users on roundabouts through the provision of separated and protected bicycle paths, typically taking the form of over or under passes or protected bicycle lanes around the outside boundary of the roundabout.

The Committee was pleased to note the approach taken by Cairns Local Government where they have provided additional protection to cyclists at a number of roundabouts along their principle bicycle routes through the application of buffering/audible lines to the bicycle lanes which pass through the roundabouts.

Whilst these design options/principles should be considered for new developments and road projects, it may prove challenging in the case of retrofitting existing bicycle routes and road space. However along principle bicycle routes should at least be prioritized.

Roundabout Option 3. Reduced speed limits/standards in the approach and entry to roundabouts

There is no specific enforceable maximum speed limit within the QRR for vehicles travelling on roundabouts. The applicable maximum speed limit for the designated road applies also to travel through a roundabout situated on that road. For example, if the speed limit on a particular road is 60km/h then the same speed limit applies to the roundabout.

On higher speed limit roads and motorways the relevant authority may choose to apply speed limit reductions through signage in the approach to the roundabout (e.g. reduce speed from 80km/h to 60kmh) or erect advisory speed limit signs. However 'advisory' speed limits such as these are not "strictly" enforceable (other penalties may be used in the case of incident such as careless driving).

A number of design guidelines suggest reduced speed limits in the approach to and whilst travelling through a roundabout, particularly at roundabouts on principle bicycle routes and where the roundabout has been fitted with bicycle lanes. Implementation can be achieved either through the

⁴⁰⁷ Department of Transport (UK) Local Transport Note2/08: Cycle Infrastructure Design: 58-59

use of appropriate road signage or amendments to the road rules to reduce applicable speed limits on roundabouts.

Reduced speed limits in the approach and whilst on roundabouts provides for greater visibility (more time to observe oncoming road users) and also offers greater protection to cyclists travelling through roundabouts as it reduces the speed at which vehicles can approach from behind and overtake cyclists.

Roundabout Option 4. Remove cycle lanes from roundabouts and encourage cyclists to 'controlling the lane'

A paper presented to the Australian Cycling Conference in 2012 comparing the design and treatment of roundabouts with historic data relating to injury rate and safety issues of cyclists at roundabouts concluded that cyclists were less likely to be overlooked if they merge with cars and enter roundabouts from where car drivers look for cars (i.e. the middle of the lane)⁴⁰⁸. The report also cited research conducted by Patterson (2010)⁴⁰⁹ which similarly concluded that Austroads and Vic Roads recommendations for adding bicycle lanes to roundabouts appear to conflict with published safety research.

There was general support from submitters for this approach, in the absence of protected/separated bicycle lanes and provided the QRR clearly articulated to other road users the adoption of this approach.

*... as a parent [of a representative cyclist], I recommend to my daughter that she ride through a roundabout in the center of the lane because it is safer for her, yet in doing so she endangers her life further by enraging drivers.*⁴¹⁰

Interestingly German road design standards go as far as to prohibit cyclists on the dangerous outside edge of circulating areas preferring instead to encourage cyclists to merge with cars into a single central traffic stream well before roundabout entries (referred to as cyclists controlling the lane).

Intersection Option 1. Advanced stop lines (bicycle boxes) at signalled intersections and or separate signal phasing

Signalised intersections can be set up to allow for the safe crossing of bicycles and other users with a number of options available to road authorities. The George Institute for Global Health refers to a recent review of the literature on the most effective intersection treatments designed to improve bicycle access and safety. The review found that '*bicycle boxes, also known as advanced stop lines (ASL), that allow bicyclists to move in front of vehicles when stopped at a signalised intersections reduced the potential for conflicts with vehicle turning movements on the green signal*'.⁴¹¹

Other considerations recommended for signalled intersections to improve the safety, comfort and convenience for cyclists include:⁴¹²

- Installation of separate signal phasing for cyclists and coloured bicycle lane markings through intersections.⁴¹³ Providing bicycle signals at intersections alongside the pedestrian and traffic lights which can not only provide a lead/advance time (separate bicycle phase) for cyclists to

⁴⁰⁸ Cummings (2012) A bicycle friendly roundabout, 4th Australian Cycling Conference 2012: 3-4, 9-12

⁴⁰⁹ Patterson, F (2010) Cycling and roundabout: An Australian Perspective, Road and Transport Research

⁴¹⁰ Submission 50: 2

⁴¹¹ George Institute for Global Health (2010), Submission to the Parliamentary Inquiry Conducted by the Staysafe (Road Safety) Committee Into Vulnerable Road Users, with Particular Regard To Cyclists Safety:17

⁴¹² See submissions 29, 45, and 64

⁴¹³ Providing separate signal phasing for cyclists is an option most applicable to new developments and major road projects. It has been noted that the replacement/retrofit costs for a new set of signals is between \$100,000 and \$500,000.

clear the other vehicles but also Act to indicate to other road users that bicycles are expected/common at the intersections/crossing.

- Provide and clearly mark intersection signal detection loops in the road pavement that can be triggered by bicycles or provide a pedestal button at the intersection so that cyclists can pass intersections efficiently, can avoid or get a advance lead phase in advance of other vehicles and also to avoid perceptions/scenarios where cyclists proceed through red/stop signals.

Intersection Option 2. Advanced stop/give way line marking at minor intersections and other visibility improvements

In most cases where there is a bicycle lane, sight lines can be improved and the risk of crash reduced, by moving the Stop or Give Way line forward closer to the edge of the bicycle lane (as shown in the below image). Vehicle drivers would then have a better view of all oncoming traffic. Care needs to be taken however that the entering vehicle's Stop line is set back enough from the bicycle lane so the front of the car does not impinge on the bicycle lane.

Additionally best practice recommends that other possible obstructions which reduce the line of sign and visibility of approaching cyclists (for example, parked cars, excessive street and business signage, and street landscaping) be reduced and/or set back to allow for clearer lines of sight/time for approaching vehicles to be seen for approaching road users. For example setting the end of parking zones back further from the cross street.

Critically the Austroads Guidelines do not discuss the use of curb outstands and other treatments to prevent vehicles parking too close to the intersection or driveway where they can block sight lines. This provides an opportunity for Queensland to set the standard in treatment of intersections.



Figure 27 Example of advanced Stop/Give Way line marking and parking set back distance to provide clearer line of sight at minor intersection.⁴¹⁴



Figure 28 Example of advanced stop line (bicycle storage box) at signalised intersection.⁴¹⁵

⁴¹⁴ www.bicyclenetwork.com.au/general/bike-futures

⁴¹⁵ www.bicyclenetwork.com.au/general/bike-futures

8.3.5.1 Committee comment and recommendations

Roundabouts:

The Committee considers that cyclists are particularly vulnerable at the entry and exit points to roundabouts, particularly two lane roundabouts, and has noted the range of available options for improving cyclist safety submitted as part of the Inquiry. Where separated/protected bicycle lanes cannot be accommodated, the Committee is of the view that an approach that combines lower enforceable speed limits at roundabouts and the change in practice where cyclists enter and travel through roundabouts from the centre of the lane would be most effective in improving cyclist safety and provides an alternative option to the costly retrofitting and redesign of roundabouts. Changes to relevant Queensland Road Rules will be necessary to effect this change and are discussed further in section 4.7 of this Report – recommendations 22 and 23.

Notwithstanding the above, the Committee notes that the design of roundabouts has also been proven to have positive safety outcomes for cyclists (as well as other road users) and accordingly recommends that TMR review best practice design guidelines and adopt improved standards for all new and upgraded roundabout projects in declared shared road use zones and along principal cycle routes.

Intersections:

The Committee has noted the evidence which suggests that poor infrastructure provisions for cyclists at intersections creates increased risk and safety concerns for cyclists at signalled intersections.

The Committee has noted that best practice includes the use of bicycle storage areas and hook turn storage areas at signalled intersections; and advanced Stop/Give Way line markings at other non-signalled intersections. These innovations are widely used in other jurisdictions, but whilst provided for within the Queensland road rules are relatively uncommon across Queensland's road transport network. Evidence from other jurisdictions indicates that these intersection treatments improve the visibility of cyclists to other motorists (including heavy vehicles) which improves actual and perceived safety for cyclists.

The Committee is therefore recommending that TMR conduct further trials of the use of bicycle storage areas, hook turn storage areas, and advanced Stop/Give Way line markings at a greater number of intersections across Queensland before determining if these will provide adequate safety improvements across the states cycle network. The trial should include injury/safety hot spot intersections along principle and high frequency cycle routes.

Recommendation 41

The Committee recommends that the Department of Transport and Main Roads review best practice design options for roundabouts; and ensure that road authorities adopt best practice design standards for all new and upgraded roundabout projects along principal high frequency cycle routes.

Recommendation 42

The Committee recommends that the Department of Transport and Main Roads work with all relevant road authorities to implement lower enforceable speed limits in the approach to and at roundabouts in declared shared road user zones.

Recommendation 43

The Committee recommends that the Minister for Transport and Main Roads amend the Queensland road rules to formally recognise that, in the absence of fully separated/buffered bicycle lanes, the preferred and legal action at roundabouts is for cyclists to 'control the lane' whereby the cyclist merges with other road users and enters/travels through the roundabout from the centre of the lane.

The Committee recommends that in order to accommodate the above amendment, the Department of Transport and Main Roads work in collaboration with all Queensland road authorities to review the safety of current bicycle lanes placed around the outside of roundabouts in declared shared road user zones, and make necessary changes to provide either fully separated/buffered bicycle lanes or amend road markings and signage to accommodate the 'control the lane' approach.

Recommendation 44

The Committee recommends that the Minister for Transport and Main Roads:

- facilitate a trial of the use of bicycle storage areas, hook turn storage areas, and advanced Stop/Give Way line markings at a greater number of intersections across Queensland to determine their effectiveness in relation to improving visibility and safety of cyclists to other road users and
- should the trial prove successful in improving the safety outcomes for cyclists, look to include bicycle storage areas, hook turn storage areas, and advanced Stop/Give Way line markings as 'standards' for intersections along principle cycle routes.

8.4 Planning and implementation

A connected and continuous bicycle network is essential for attracting new cyclists to the network and also is a critical factor supporting cyclist safety outcomes. Best practice emphasises a focus on identifying and providing a network of interconnected, safe and direct cycling routes which connect all major destinations across a city or region. The quality of a bicycle route or a network does not depend on one particular type of infrastructure, such as separated bicycle paths and lanes, but must provide for a safe, direct, continuous route for all intended users. Therefore bicycle network identification and planning precedes any discussion about type of suitable infrastructure or facilities.

In Queensland, bicycle infrastructure planning has historically taken a 'needs approach' or been considered secondary to other transport infrastructure planning, resulting in a disconnected network with inconsistent treatments and conditions for cyclists. One of the major concerns raised by submitters to the Inquiry was the lack of continuous bicycle routes connecting major destinations.⁴¹⁶

Where cycling infrastructure is provided, it is usually unconnected and consists of the cheapest, easiest option that doesn't interfere with private motor vehicle usage. An example of this is the prevalence of on-road bike lanes instead of separated paths with appropriate intersection design. Often cyclists are diverted to indirect, meandering routes, making cycling significantly more inconvenient than driving.⁴¹⁷

Brisbane has some exemplary cycling infrastructure, however until these pieces of infrastructure are connected, it will not see a serious level of use. It should be an absolute priority to find ways of making direct, fully connected cycling routes to maximise value achieved from the money that has already been invested in cycling infrastructure. This is the

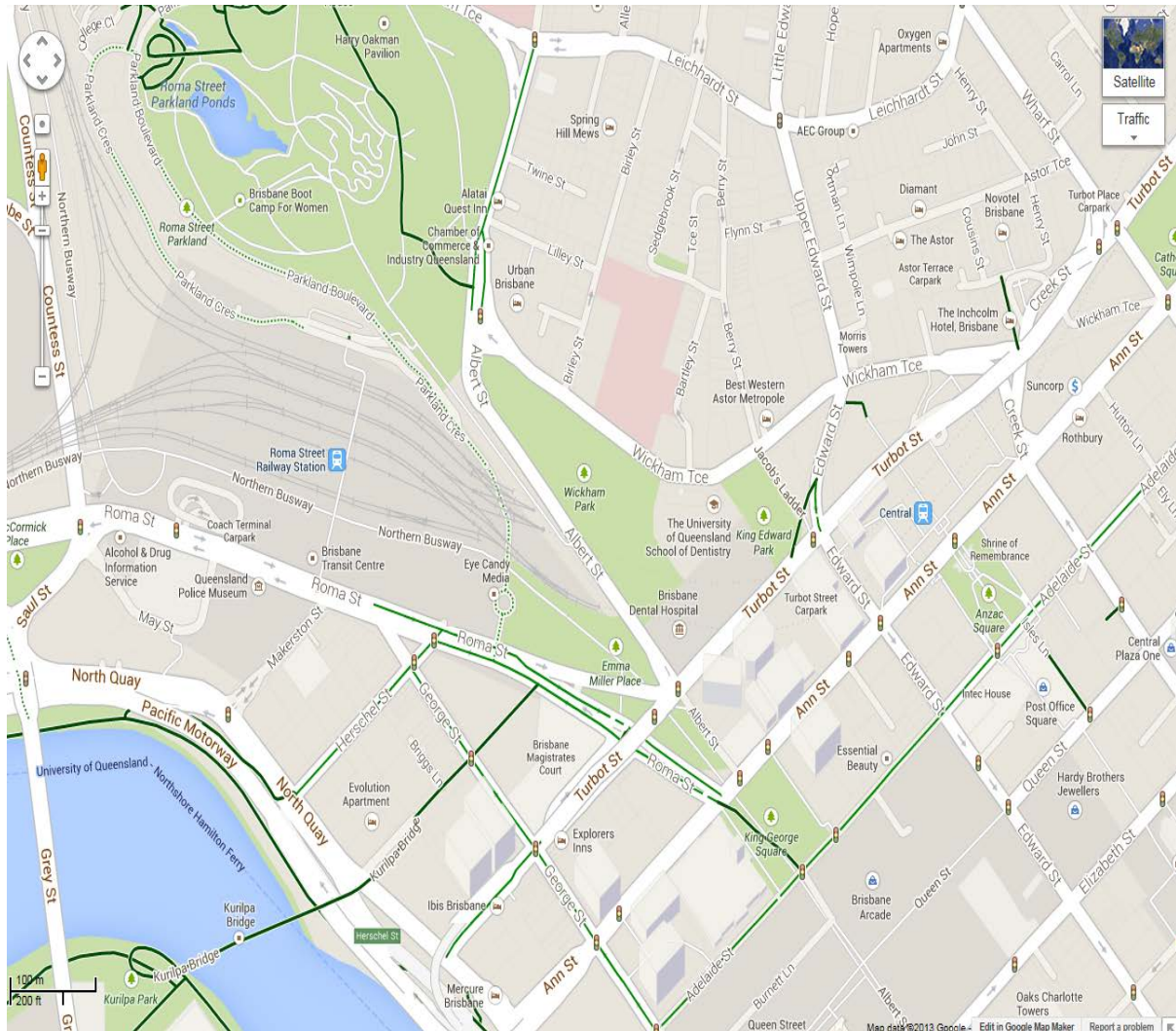
⁴¹⁶ See also submissions 2, 10, 11, 13, 25, 44, 78, 79, 94, 99, 100

⁴¹⁷ Submission 58: 5

*primary factor which has driven safety improvements and cycling uptake by the masses in other parts of the world.*⁴¹⁸

The network maps below highlight how poorly connected many of Queensland’s bicycle lanes and cycle routes are at present. As submitters contended, bicycle lanes appear and then disappear along principal high frequency routes often leaving cyclists stranded and vulnerable.

Figure 29: Brisbane City Cycle Network Map⁴¹⁹



⁴¹⁸ Submission 99: 2-3

⁴¹⁹ <http://www.brisbane.qld.gov.au/facilities-recreation/sports-and-leisure/cycling/bikeway-and-shared-pathway-maps/index.htm>

Figure 30: Brisbane West (Centenary Cycleway) Network Map⁴²⁰

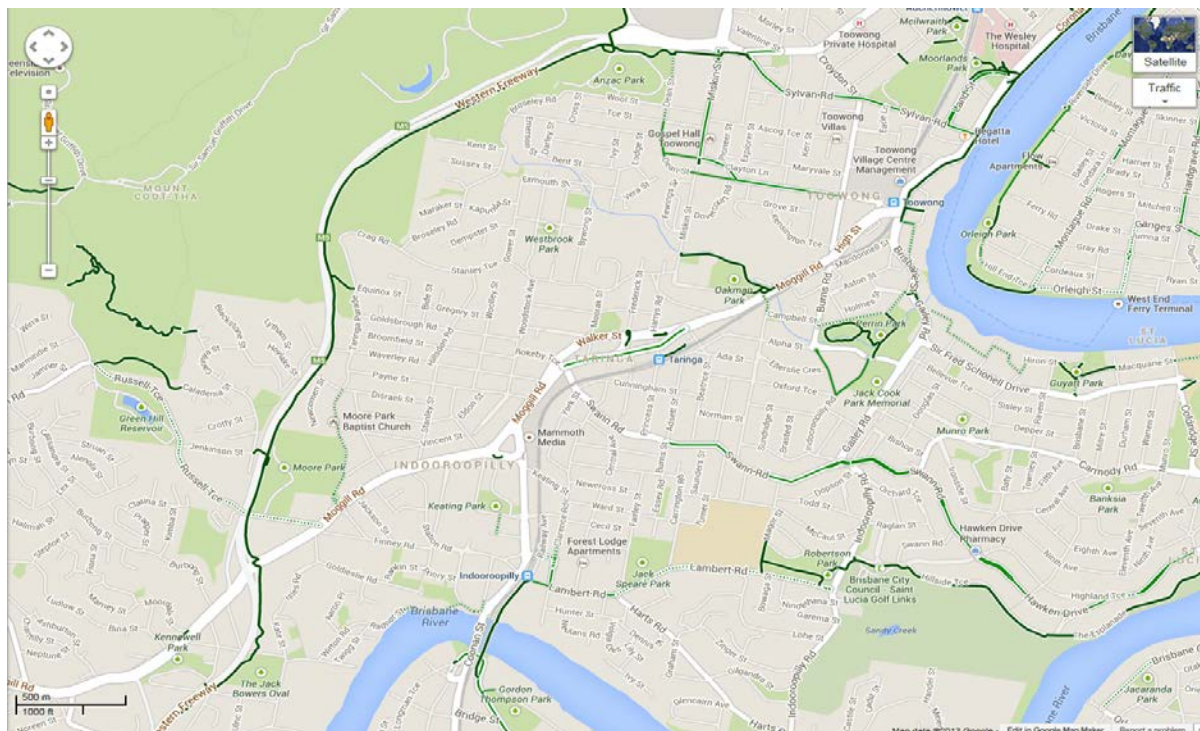
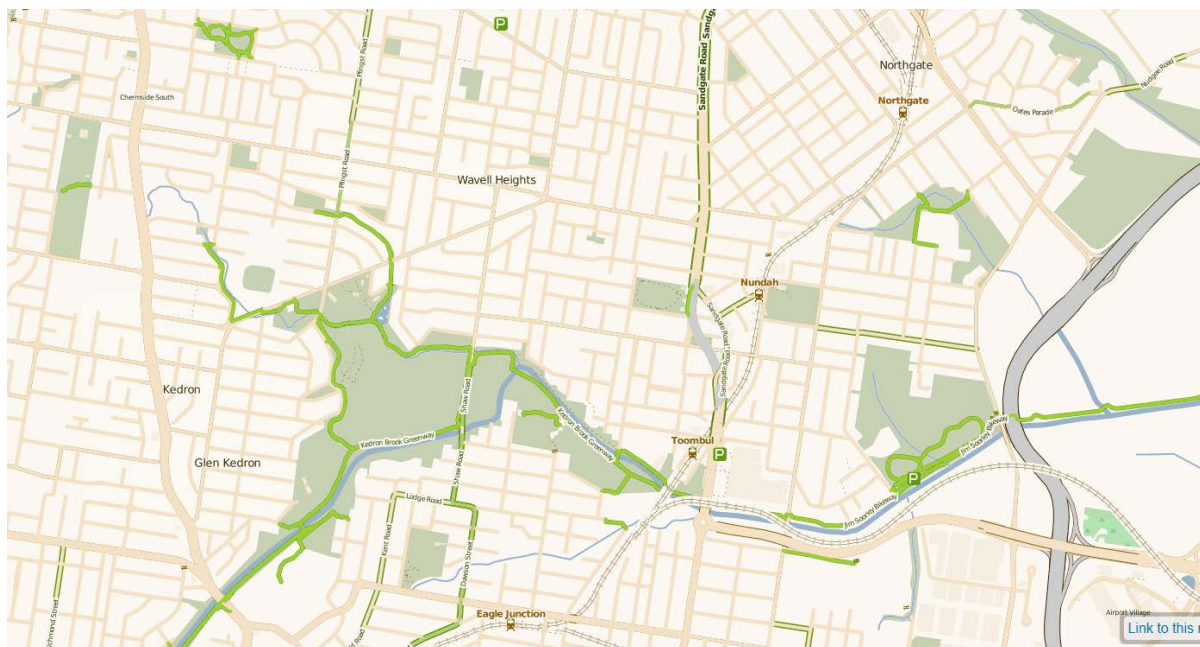


Figure 31: Brisbane North Cycle Network⁴²¹



⁴²⁰ <http://www.brisbane.qld.gov.au/facilities-recreation/sports-and-leisure/cycling/bikeway-and-shared-pathway-maps/index.htm>

⁴²¹ <http://briscycle.com/>

Figure 32: Example Bicycle Route: Logan City Council ⁴²²



This example from Logan City Council even specifically notes:

While the terms "cycleways", "bike route", "bike paths lanes and paths" have been used to describe convenient travel paths for bicycles, in many instances the paths and roads have not necessarily been designed or constructed in accordance with bicycle facilities guidelines such as Austroads Guide to Traffic Engineering Practice – Part 14 (Bicycles). Therefore, users must exercise caution and due care at all times. ⁴²³

A focus on site or project specific provision of bicycle infrastructure may have been relevant when cycling was an emerging transport mode and certainly has gone a long way towards increasing the prevalence of cycling facilities across Queensland, however a more strategic and network focused approach may now be needed to ensure Queensland continues to meet the needs of a growing cyclist population.

In Victoria for example VicRoads and the State Bicycle Committee took a more strategic approach to Melbourne’s cycling infrastructure through the development of the Principal Bicycle Network which maps out over 2000kms of bicycle lanes on arterial roads and 1000kms of additional off-road bicycle paths throughout metropolitan Melbourne. Victoria also adopted the principle that no bicycle lane would be more than 1.5km from another in the inner suburbs, and no more than three kilometres between bicycle lanes in outer suburbs to ensure the network met the needs of all cyclists and provided a genuine system of cycle routes across the city. ⁴²⁴

Bicycle Network Australia recommends an ‘every street’ approach to network development be adopted for safe and convenient and interconnected cycling routes. The ‘every street’ approach argues that every street and road should be a cycling street because cyclists’ trip origins and

⁴²² http://www.logan.qld.gov.au/_data/assets/pdf_file/0005/11030/logancitycyclemap.pdf

⁴²³ http://www.logan.qld.gov.au/_data/assets/pdf_file/0005/11030/logancitycyclemap.pdf

⁴²⁴ Bicycle Victoria 1996, It Can be Done: A Bicycle Network on Arterial Roads: 3

destinations are complex and can involve any mix of streets/routes based on cyclist experience, age and comfort preferences.

An extension of the above approach is a priority or high frequency approach to planning where defined routes and network of infrastructure is provided to all major destinations such as central business districts, education precincts and schools, transport hubs such as rail stations and bus interchanges. This approach is particularly relevant in the context of supporting active transport programs such as the 'Bike Bus' program discussed in section 10.10 of this Report. This *Principal (or Priority) Cycle Network* approach is considered the most cost effective and efficient way of delivering a connected and continuous cycle network over the short to medium term, however is not viewed as the optimum approach to long term provision of cycle network routes in the event of ongoing growth in cycle participation.

Further, ensuring that all major developments, transport asset projects and other road upgrade works consider the provision of bicycle infrastructure is the most proactive (and potentially cost-effective) way to ensure Queensland delivers a continuous and world class bicycle network.

The TMR Cycling Infrastructure Policy (April 2013) states:

... that along principal cycle routes, the department will positively provide for cyclists in transport infrastructure projects.

On other routes, the department will seek to make state-controlled transport projects cycle-friendly by incorporating cycle-friendly design. This may include the economical retrofitting of roads where necessary to accommodate cyclists.

Positive provision for cyclists includes marked bicycle lanes, bicycle or shared paths or other suitable facilities. Cycle-friendly provision involves road design that makes it easier and safer for cyclists to use a particular section of road.

*This policy applies to all state-controlled transport projects and corridors, including government funded infrastructure projects, upgrades and sponsored projects at all stages of the transport network infrastructure process.*⁴²⁵

Further this policy requires:

- 1. Consideration that bicycles can legitimately use the road network and will require access to and amenities at public transport stops and stations.*
- 2. The integration of cycling network infrastructure and end-of-trip facilities as part of planning for transport (road, rail, bus and pathway), project development and the protection of transport corridors.*
- 3. On principal cycle networks the department will explicitly provide for cycling in transport infrastructure projects.*
- 4. In areas not identified as principal cycle network, the department will implicitly provide for cycling in transport infrastructure. This may include the economical retrofitting of transport corridors to improve safety.*
- 5. If risk assessment or value engineering processes identify that an alternative route is the preferred higher capacity cycling network opportunity (across part or all of a project), the alternative route will be identified, planned, funded and delivered within the scope of the project. It should not be assumed that this approach will result in bicycle prohibition or remove all obligations to apply the policy to the main project transport route.*

⁴²⁵ <http://www.tmr.qld.gov.au/~media/Travelandtransport/Cycling/Cyclists/TMRCyclingPolicy.pdf>

6. *Ongoing maintenance and management of established bicycle facility asset, unless transfer of the facility is agreed with Local Government.*

A number of submitters questioned the extent to which the above policy is currently being implemented across Queensland citing a number of recent transport asset projects which did not adequately provide for cyclists and/or examples where funding commitments specifically for cycling aspects of major projects were abandoned, despite the fact that TMR has policies in place that requires consideration of and a greater sharing of road space between different modes of travel.

...the implementation of TMR cycling policies has failed to achieve policy outcomes. It is clear from actually delivered projects that cyclists are often not afforded appropriate consideration. Many State Government road infrastructure projects reduce or omit cycling considerations to reduce costs. For example, agreed consultation with cyclists was not pursued as part of the delivery of the Airport Link project, despite the project originally having a significant amount of cycling infrastructure linking existing pathways to the Royal Brisbane and Women's Hospital Cycling Centre and beyond.⁴²⁶

Principal among these shortcomings is that the policy only applies to state-controlled roads i.e. roads controlled by local governments are excluded. Within the Brisbane Local Government Area there are 5,887km of roads, of which only 287km are state-controlled, meaning that this policy applies to less 5% of Brisbane's roads.⁴²⁷

Accordingly a number of submitters called for greater scrutiny of the application of this policy and a possible strengthening of the provisions requiring lead agencies, project proponents and developers to provide for cycling in transport infrastructure, particularly in the context that improved long term planning and prioritisation of cyclists in the hierarchy of legitimate road users was the most efficient and cost-effective way to deliver a world class cycling network with limited budget and financial resources.

We are really now down to incremental change... with the continued investment in infrastructure to support different types of road users and different demographics of bicycle riders so that people can choose to ride away from the road environment if they wish to but people can also choose to ride on a road environment. So they are all important strategic interventions, but they are mostly very costly. They take a lot of time and they take a hell of a lot of maintenance. So we are looking at continued investment to be able to implement those infrastructure changes.⁴²⁸

One particular thing I would really urge upon governments and councils—state government in particular—is not to allow financial constraints to reduce expenditure on infrastructure. Bikeways save lives.⁴²⁹

Overall, there is a pressing need to provide a safe environment to support the people who are cycling and to provide for the growth that is happening here now... [this means] creating a safe environment for cyclists by providing safe infrastructure. Safe infrastructure requires continued funding to match the increasing levels of cycling. There will be more deaths and injuries unless there is better provision for cyclists, so we should not be asking how can we possibly afford to provide cycling infrastructure; rather, we should be asking how can we not afford to provide cycling infrastructure.⁴³⁰

⁴²⁶ Submission 58: 4

⁴²⁷ Submission 90: 4

⁴²⁸ Ms Gaudry, Transcript 4 September 2013: 7

⁴²⁹ Dr Flegg, Transcript 21 August 2013: 2

⁴³⁰ Mr Duffy, Transcript 27 August 2013: 1

8.4.1 Committee comment and recommendations

The Committee is of the view that the Queensland Government should aim to always provide a safe space for cyclists, which includes continuous and connected networks especially on principal cycling routes. Central to this position, it should be viewed as a high priority to continue planning and implementation of a series of interconnected cycleways and routes which connect major priority destinations including public transport, schools, shopping/entertainment districts and the CBD (major employment hubs).

However the Committee also acknowledges the financial constraints faced by federal, state and local road authorities which may make the implementation of new bicycle networks and the retrofitting of existing road networks difficult to justify and/or balance with other competing priorities. It is the Committees view therefore that short of immediately addressing critical infrastructure safety issues, the most cost-effective and sustainable way to provide a leading bicycle network is to progressively deliver this as part of the schedule for major road projects and infrastructure development across the state. Accordingly it is essential that the planning system and all relevant authorities recognise and provide for bicycle infrastructure.

To effect this outcome, the Committee considers that similar to other jurisdictions, Queensland should adopt, as a standard principle, one or both of the following to ensure the network meets the needs of all cyclists and provides a genuine network of bicycle routes across the state:

- a) Connectivity Principle: That no bicycle lane would be more than 1.5km from another in the inner suburbs, and no more than three kilometres between bicycle lanes in outer suburbs.*
- b) 'Every Street' Principle: That 'every street' be considered a potential bicycle route and where possible bicycle-friendly treatment be applied to provide for safe and convenient use by cyclists alongside other road users.*

The Committee notes that whilst TMR has a policy covering cycling infrastructure for transport projects, this policy only applies to state-controlled transport projects and does not impose a strong mandate for the inclusion and/or retrofitting of cycling infrastructure in road projects either by the state government or other levels of government.

Additionally the Committee has noted that recently delivered projects have not always afforded appropriate consideration to cyclists use of the road as legitimate road users. This leads the Committee to question the accountability and transparency of the way in which the cycling infrastructure policy has been implemented and monitored.

The Committee considers it important to improve legislation and policies to require new developments and major upgrade works to provide a higher standard of cycling infrastructure and end of trip facilities as part of the development and funding approval process.

Recommendation 45

The Committee recommends that the Minister for Transport and Main Roads consider the adoption as a standard for cycle network planning and provision one or both of the following principles:

- Connectivity Principle: That no bicycle lane would be more than 1.5km from another in the inner suburbs, and no more than three kilometres between bicycle lanes in outer suburbs.
- 'Every Street' Principle: That 'every street' be considered a potential cycle route and where possible cycle-friendly treatment be applied to provide for safe and convenient use by cyclists alongside other road users.

Recommendation 46

The Committee recommends that the Department of Transport and Main Roads, in consultation with local governments, develop a Principal Bicycle Network plan for all major city centres across Queensland which maps out an integrated network of priority bicycle routes.

Recommendation 47

The Committee recommends that the Department of Transport and Main Roads in consultation with key stakeholders identify a list of all existing cycling infrastructure and routes not considered “adequate” (including those referred to as part of the Inquiry process) and prioritise upgrades to these facilities as the first step towards delivering a Principal Bicycle Network.

Recommendation 48

The Committee recommends that the Minister for Transport and Main Roads explore policy and/or regulatory mechanisms to ensure the “mandatory” consideration and compliance with the following cycling policies in all new and upgrade road projects (local, state and federal; public and private proponents):

- Cycling Infrastructure Policy and
- Road User Hierarchy and
- Principal Bicycle Network plan.

Recommendation 49

The Committee recommends the Minister for Transport and Main Roads ensure the transparent reporting and benchmarking of the application of the above policy for mandatory consideration of cycling facilities and the road user hierarchy in all major infrastructure developments and road upgrade projects (public and private); and that this be reported in the Department’s annual report.

Recommendation 50

The Committee recommends that to support project proponents (public and private) in meeting the above policies and standards, the Minister for Transport and Main Roads should review and update existing guidelines to reflect Australian and international design standards for cycling infrastructure.

Recommendation 51

The Committee recommends that the Department of Transport and Main Roads, as lead agency on cycling, engage with all relevant local, state and federal authorities to ensure state-wide coverage of policies recommended above and to ensure consistency across Queensland in design standards for cycling infrastructure.

8.5 Other cycle network and infrastructure considerations

A number of other peripheral issues were raised as part of the Inquiry which are considered important to increased participation and improving the overall safety of cyclists:

- Improved integration with public transport: It was argued that cycling participation can be increased by providing a cycling network that is well integrated and connected with public transport including direct bicycle paths and lanes to train and bus stations.⁴³¹
- Allowance for bicycles on public transport: The lack of cycle facilities and allowance for cyclists on public transport, particularly during standard/traditional commuter periods creates a disincentive for cyclists to optimise travel/transport options by integrating short bicycle trips with public transport.⁴³²

Currently bicycles are not allowed on the SEQ train network during peak hours (weekdays between 7:00am - 9:30am towards the CBD; and between 3:00pm - 6:30pm outwards from the CBD). Also, whilst bicycles are permitted any time on Brisbane ferries (noting that capacity to accommodate other commuters is the priority) Translink does not permitted bicycles on any Queensland buses at any time.

- Provision of secure bicycle parking and storage facilities: It was also noted that bicycle network planning needs to consider the whole journey including provision of facilities for cyclists to store or park their bicycles securely.⁴³³
- Complementary cyclist facilities which improve the overall convenience and attractiveness of cycling such as (clean and safe) shower facilities and personal lockers
- Enhancing the security of cyclists along bicycle routes and at bicycle facilities: For example providing adequate lighting along bicycle paths and considering surveillance and video monitoring/security devices along isolated parts of bicycle routes and cycleway.
- Bicycle Route Signage: Signage is a critical component of safe and legitimate bicycle networks. Installed at the right locations along a bicycle route, they allow cyclists to make informed decisions and direct cyclists to the most appropriate routes.⁴³⁴
- Proper maintenance of bicycle facilities and infrastructure: In response to the high number of single vehicle crashes reported in hospital data, and feedback from submitters about poor path conditions and their role in crashes, a regular path maintenance program is important. Matters that need to be considered include inspection frequency, intervention triggers, jurisdictional responsibility, hazard reporting mechanisms/systems and most importantly appropriate and recurring budget allocation.⁴³⁵
- Minimising impact caused by construction hazards: During construction and road works, access for cyclists is often overlooked. For example submitters noted examples of construction sites placing signage over bicycle lanes (and often footpaths), erecting scaffolding along footpaths and curb side lanes, parking/stopping heavy vehicles over bicycle lanes or in kerbside lanes, closing road lanes with temporary barriers or erecting road detours which force cyclists to merge with other motor vehicles in what are typically hostile conditions.

⁴³¹ Submission 90

⁴³² Submission 90

⁴³³ Submission 42

⁴³⁴ Submissions 20, 26, 45, 94, 97

⁴³⁵ Submissions 2, 10, 13, 28, 79, 92, 102

8.5.1 Committee comment and recommendations

The Committee believes that the Queensland Government should have as its goal the provision of seamless connectivity between bicycle trips and public transport. The Committee is therefore of the view that there is merit in conducting a feasibility study to investigate the potential savings from using dedicated bicycle carriages or designated areas on trains, allowing for bicycle carriage across the public/passenger transport network and improving bicycle carriage facilities on public transport (buses, ferries and trains) as a way to increase the efficiency of the public transport system and its impact on cyclist participation.

The Committee further notes the role of complementary cycling facilities (including bicycle storage, cyclist amenities, security lighting and monitoring devices, and bicycle route signage) in improving the overall experience, and therefore the attractiveness, of cycling as a mode of active transport.

The Committee has noted the significant safety concerns raised by submitters about the maintenance of the bicycle network across Queensland. The Committee believes that better maintained paths and roads are likely to reduce the incidence of bicycle accidents and injuries, and that a stronger commitment to bicycle network maintenance is required by local, state and federal road authorities across Queensland. The Committee is therefore recommending a review of existing maintenance policies for shared paths and off-road cycleways across Queensland and subsequent to the review, adoption of a regular path maintenance program.

Furthermore, the Committee considers it important that cyclist (and pedestrian) safety not be overlooked by project proponents and contractors on construction and road work sites and appropriate mechanisms be put in place to minimise hazards to cyclists.

Recommendation 52

The Committee recommends that the Minister for Transport and Main Roads, in partnership with relevant public transport authorities, review the current integration of cycling infrastructure with public transport networks including consideration of:

- policies and provisions to allow for the carrying of bicycles on public transport across the state's public transport network and
- provision and placement of bicycle storage facilities at all major public transport interchanges and stations.

Recommendation 53

The Committee recommends that the Department of Transport and Main Roads work with relevant road authorities to review existing maintenance policies for Queensland bicycle facilities and develop a state-wide cycle network maintenance protocol which maps out all bicycle network facilities and allocates clear responsibility and funding requirements for maintenance across local, state and federal road authorities.

Recommendation 54

The Committee recommends that the Department of Transport and Main Roads investigate available technology and introduce a bicycle network 'black spot' reporting system which provides a permanent process by which road users can nominate or report "inadequate" infrastructure, bicycle route upgrades, and maintenance issues to ensure Queensland's cycling infrastructure continues to meet the expectations of cyclists and other road users.

Recommendation 55

The Committee recommends that the Department of Transport and Main Roads work with other relevant agencies to ensure guidelines for construction and road work sites give due consideration to and minimise hazards to cyclists.

9 The psychology of intolerance

The animosity between motorists and cyclists has been well documented in recent years by all forms of media. Television current affairs shows, newspapers, websites, blogs and social media sites have all covered the topic, providing coverage and commentary, and making suggestions and recommendations for resolving the clash.

9.1 Evidence provided to the Inquiry

Numerous submissions to this Inquiry have likewise remarked on the antagonism between motorists and cyclists on Queensland roads. This antagonism has predominantly been expressed as harassment of cyclists by drivers and other occupants of motor vehicles⁴³⁶ but there has also been criticism of cyclists as 'arrogant' or 'rude' in their behaviour and attitudes on road. The following examples serve to highlight the seriousness and pervasiveness of this antagonism:

Regarding motorists

*As cyclists we have all experienced drivers who deliberately swerve to pass as close as possible or throw objects or brake hard after passing to 'brake test' a cyclist or have passengers just scream loudly while passing. This type of behaviour is antisocial, dangerous and should be unacceptable in our community.*⁴³⁷

*Queensland motorists are notorious for their poor attitude toward cyclists and even poorer driving skills around cyclists. Many of the submissions to this inquiry are full of horror stories to this extent. Meanwhile, cyclists are often thought of as red-light running, road-hogging louts with utter contempt toward cars and pedestrians alike. I have found these stereotypes hold true for only a small percentage of drivers and cyclists... Unfortunately, the few rotten apples have fed growing animosity between both groups.*⁴³⁸

*I have had numerous near misses with drivers during my daily commute to work... In addition to these near fatal incidents I have had countless incidents of drivers swerving at me whilst hurling abuse, as well as spitting and throwing things at me... I have heard many stories of cyclists being left bashed and when I enquire about the reasons for their actions the usual response is silence and you can see the surprise on their face as they realise that the cyclists was actually a real person and that they have now lost their anonymity.*⁴³⁹

I have experienced various forms of verbal abuse while cycling, often for no apparent reason, and often when I am not even riding on the road! Examples include:

- *Sudden yelling from the passenger of a passing car while I'm riding along the footpath, presumably to startle me in an attempt to make me crash.*
- *Abusive language from a pedestrian waiting at a bus-stop for no apparent reason, on a quiet back-street as I rode past (on the road).*

*Abusive language from a passing motorist for riding 2-abreast as they are held up until it is safe for them to overtake.*⁴⁴⁰

⁴³⁶ See submissions 47, 49, 52, 71, 72, 77, 78, 79, 84

⁴³⁷ Submission 77: 2

⁴³⁸ Submission 78: 1-2

⁴³⁹ Submission 79: 2

⁴⁴⁰ Submission 72: 2

Regarding cyclists

I am also a cyclist but, quite frankly, I am disgusted at the way certain cyclists aggressively and unnecessarily exercise their "rights" over the carriage way, float every road rule that suits them (i.e. stop signs, red traffic lights, indicating etc.), pay no registration or insurance, often ignore purpose built bikeways and bike lanes, aggressively abuse other road users and....claim to be hard done by.⁴⁴¹

9.2 Literature and media review

There have been a number of articles published which specifically canvass the psychology of the road rage experienced between motorists and cyclists. Numerous explanations for poor and dangerous behaviour on our roads ranging from anonymity to 'affect heuristic' are posited and this section will briefly explore some of these rationales. It is also worth noting that these rationales have been as widely commended as they've been condemned by cyclists and motorists around the world there being no sense of consensus amongst motorists or cyclists on why some road users behave so aggressively or on how to address the problem.

Anonymity

Tom Vanderbilt, author of the book *Traffic: Why We Drive the Way We Do (And What It Says About Us)*, believes that the anonymity of driving leads us to behave poorly, stating that:

What happens to most of us, in most driving conditions, is that we're losing some of the key attributes that facilitate human cooperation and, in a larger sense, society.

Eye contact, for example, has been shown in any number of experiments to increase the chance of gaining cooperation – that's why when drivers give you what was called on Seinfeld the "stare-ahead," your chances that they'll let you merge in ahead of them are greatly reduced.

Then there's the anonymity in traffic – there's no one to spread rumors or gossip about you about how bad your behavior was — not to mention the lack of consequences for acting like an idiot. It's all strikingly similar to the way we act on the internet, in what's called the "online disinhibition effect."⁴⁴²

Free rider problem

Tom Stafford, in the Neurohacks column for *BBC Future* in February 2013 outlines his 'free rider' theory as follows:

... my theory is that motorists hate cyclists because they think they offend the moral order. Driving is a very moral activity – there are rules of the road, both legal and informal, and there are good and bad drivers. The whole intricate dance of the rush-hour junction only works because people know the rules and by-and-large follow them: keeping in lane; indicating properly; first her turn, now mine, now yours. Then along come cyclists, innocently following what they see are the rules of the road, but doing things that drivers aren't allowed to: overtaking queues of cars, moving at well below the speed limit or undertaking on the inside...

In economics and evolution this is known as the "free rider problem"; if you create a common benefit – like taxes or orderly roads – what's to stop some people reaping the benefit without paying their dues? ... evolution has built into the human mind a hatred of

⁴⁴¹ Submission 24: 1

⁴⁴² Goodyear S, Why do people in cars hate people on bikes so much?, 25 February 2011 in Grist – a beacon in the smog

*free-riders and cheaters, which activates anger when we confront people acting like this... Deep within the human psyche, fostered there because it helps us co-ordinate with strangers and so build the global society that is a hallmark of our species, is an anger at people who break the rules, who take the benefits without contributing to the cost. And cyclists trigger this anger when they use the roads but don't follow the same rules as cars.*⁴⁴³

Ignorance and confusion

Whet Moser reviewed Vanderbilt's argument in *Chicago* magazine in March 2011 outlining his support for the view that ignorance is at the heart of the problem:

*I'm more convinced by Vanderbilt's argument that ignorance of the laws governing biking is responsible for a lot of the discord, which partly explains the misguided belief that roads belong to the cars...*⁴⁴⁴

Ignorance of road rules (on both the part of cyclists and motorists) and the need for better, more integrated, more consistent road rules education is considered in this Report. Likewise, the matter of road users having a sense of entitlement to the roads (mostly due to an inappropriate and misguided 'user pays' mentality) is also discussed in other areas of this Report.

Fear

In the same article Whet Moser also concurs with the view that aggression on the roads has its origins in fear, stating that:

... the most compelling argument I've ever read about anger comes from a lengthy thread about bikes and road rage. In short, fear leads to anger, anger leads to hate and hate leads to the dark side:

*I think dismissing anti-biker-rage as "people are *****" is too simple, and as an explanation it doesn't explain. I drive on roads...where there are a lot of bicyclists. I used to be one of them, until it got to be more dangerous than I was comfortable with. As a driver, cyclists scare me, they make me tense and wary, because I know how easy it would be for me to hurt them. I think there are a huge number of Americans whose reaction to being afraid, especially in their cars, is rage. They can't acknowledge that they're afraid, so they channel it into anger.*⁴⁴⁵

Outgroup homogeneity effect

Quite a number of writers have explored the concept of the *out-group homogeneity effect*. The *out-group homogeneity effect* is the perception that members of a minority group (that is, an out-group) are more similar to one another than are members of the majority group, that is they are all alike but we are diverse.⁴⁴⁶

Tom Vanderbilt in *Rage Against Your Machine* states that:

In the late 1960s, a pair of British psychologists demonstrated the power of what's called 'social categorization' – and the penalties inflicted on the 'out-group'. This dynamic appears on the road in all kinds of ways. "We know that merely perceiving someone as an outsider is enough to provoke a whole range of things," says Ian Walker, a researcher at the University of Bath who specializes in traffic psychology. "All the time, you hear drivers saying things like 'Cyclists, they're all running red lights, they're all riding on sidewalks,' while completely overlooking the fact that the group they identify with regularly engages in a whole host of

⁴⁴³ Stafford T, The psychology of why cyclists enrage car drivers, 12 February 2013 in Neurohacks - BBC Future

⁴⁴⁴ Moser W, Why do drivers hate cyclists?, 22 March 2011 in Chicago magazine

⁴⁴⁵ Moser W, Why do drivers hate cyclists?, 22 March 2011 in Chicago magazine

⁴⁴⁶ ABC's Catalyst, Bike Rage, 26 September 2013

negative behaviours as well.” This social categorization is subtle but dominant, he points out... on the one hand, cyclists have a strong group affiliation, with clubs, group rides and a flourishing network of bike blogs. And yet the oft-invoked idea of “bike culture” itself betrays cycling’s marginal status in America , observes Eben Weiss...”The truth is,” he writes, “real cultures rarely call themselves cultures...” ... the dark side of the “cyclist” label is that it becomes a shortcut to social categorization. Suddenly, that messenger who cut in front of you becomes the face of an entire population.⁴⁴⁷

Mr Jim Saksa, in *Why you hate cyclists*, offers the following view:

Moreover, bicycling as a primary means of transportation...is a foreign concept to many drivers, making them more sensitive to perceived differences between themselves and cyclists... though most Americans don’t ride bikes, bikers are less likely to stereotype drivers because most of us also drive. The “otherness” of cyclists makes them stand out, and that helps drivers cement their negative conclusions. People don’t like lumping themselves into whatever group they are making negative conclusions about, so we subconsciously seek out a distinguishing characteristic first.⁴⁴⁸

Mr Gareth Rees, writing in the Cambridge Cycling Campaign Newsletter agrees, stating that:

Cyclists are a tiny minority in the UK, so when someone sees a cyclist breaking the law, the most salient group to which they belong is “cyclists” (as opposed to the many other groups, such as “men” or “tall people”, to which they might belong), and then the outgroup homogeneity bias leads people to generalize from “this cyclist broke the law” to “cyclists in general have a tendency to break the law”.⁴⁴⁹

Affect heuristic and negativity dominance

According to Mr Saksa, affect heuristic is:

*... a fancy way of saying that people make judgements by consulting their emotions instead of logic. The affect heuristic explains how our mind takes a difficult question (one that would require rigorous logic to answer) and substitutes it for an easier one. When our emotions get involved, we jump to pre-existing conclusions instead of exerting the mental effort to think of a bespoke answer... When it comes to cyclists, once some clown on two wheels almost kills himself with your car, you furiously decide that bicyclists are *****, and that conclusion will be hard to shake regardless of countervailing facts, stats or arguments...*

The affect heuristic is compounded by the idea of negativity dominance – bad events stand out more than good ones. This causes you to overestimate both the amount and the severity of upsetting events... The conviction that bicyclists are erratically moving hazards is not diminished by the repeated observance of safe and respectful riding. Facts and logical arguments that do not conform to the emotional conclusion are discounted or disregarded.⁴⁵⁰

Confirmation bias

Gareth Rees also believes that *confirmation bias* has something to offer us in terms of understanding the apparent aggression between motorists and cyclists stating that:

⁴⁴⁷ Vanderbilt T, Rage Against Your Machine, 16 February 2011 in Outside magazine

⁴⁴⁸ Saksa J, Why you hate cyclists, 24 September 2012 in Slate.com

⁴⁴⁹ Rees G, Law-breaking among cyclists: perception vs reality, 10 January 2012 in Cambridge Cycling Campaign Newsletter 100 (February/March 2012)

⁴⁵⁰ Saksa J, Why you hate cyclists, 24 September 2012 in Slate.com

*The problem with trying to infer a general law from observation is that fallible humans like you and me are subject to confirmation bias, the tendency to notice things that confirm our beliefs, and to ignore things that don't. If you already believe that cyclists are law-breakers, then whenever you see a cyclist without lights this confirms your belief, but cyclists with lights don't register so strongly. Over time you'll build up a collection of anecdotes, all of which confirm your belief. This bias is then reinforced by the media, because the stories that get published are chosen to be the most shocking and newsworthy.*⁴⁵¹

'Arrogance' of cyclists

In the many media stories about the animosity between cyclists and motorists, it is quite common to find mention of the 'arrogance' of cyclists. An article in The Australian late last year ran with the title 'Police blitz on arrogant Sydney cyclists who push the law'.⁴⁵² Importantly, it is not only motorists levelling this criticism at cyclists but cyclists themselves, for example:

*To the 20 or so arrogant, stupid ***** riding in bunch three wide on the Kwinana PSP heading south near Como at 7.57 this morning. Did you not consider that were riding against the peak morning bike traffic and would be constantly meeting cyclists riding towards you? You are a serious crash waiting to happen (I deliberately didn't use the word accident because it would not be an accident)? You do not own the path/road. It is illegal to ride even two abreast on a PSP for a very good reason - it is dangerous! Three abreast in a bunch on a PSP, at speed, is madness!! You give all cyclists a bad name. You make my blood boil. Hand back your bikes and get back in your cars.*⁴⁵³

*I call myself a bike-rider NOT a cyclist. Why? Because I now associate (through personal experience) the term "cyclist" with the arrogant, advertising clad, transport fascists that show a complete disregard for the road rules and their own, and other bike riders', safety. Sure, motorists need to wise up (and probably stop being motorists), but the cause of cycling is not helped by the self aggrandising, self-righteous crap that spews forth from the mouths of its one eyed advocates.*⁴⁵⁴

*They are a law unto themselves and they know it. Their arrogance on the road can't even be measured. As a journalist, I often get asked what politicians, sports stars and celebrities are "really like". Nobody, I repeat, nobody shares the arrogance that cyclists have.*⁴⁵⁵

*One thing that always strikes me about so many of my "fellow" cyclists... is how rude and arrogant cyclists tend to be... I see them rocketing silently out of darkened underpasses causing elderly strollers to leap into the brush alongside the path and rushing in silence up behind unsuspecting families with pets and small children, never uttering a word of warning. From my own experience, their attitudes are, if anything, even worse on the streets. There's a very, very good reason so many view those of us who are cyclists as rude, arrogant jerks. Most of us are.*⁴⁵⁶

... large numbers of cyclists have brought a new level of aggression and indeed menace to our city streets... it seems that, while obeying the law or the rules of the road may be

⁴⁵¹ Rees G, Law-breaking among cyclists: perception vs reality, 10 January 2012 in Cambridge Cycling Campaign Newsletter 100 (February/March 2012)

⁴⁵² <http://www.theaustralian.com.au/news/police-blitz-on-arrogant-sydney-cyclists-who-push-the-law/story-e6frg6n6-1226530020247> [14 November 2013]

⁴⁵³ <http://www.bicycles.net.au/forums/viewtopic.php?f=18&t=46944> [14 November 2013]

⁴⁵⁴ <http://blogs.crikey.com.au/theurbanist/2013/11/01/cycling-its-just-not-cricket-is-it/> [14 November 2013]

⁴⁵⁵ Meers D, Time to curb pedal power, 11 December 2012 in Gold Coast Bulletin

⁴⁵⁶ <http://www.freerepublic.com/focus/chat/2033728/posts> [13 November 2013]

*obligatory for lesser mortals such as car drivers, cyclists believe that they themselves are above such irritating trifles... In short, they behave as if they are lords of the universe.*⁴⁵⁷

*Roadies No doubt about it — the amount of narcissistic, testosterone-driven arrogance put out by 140 pound skinny dudes in Lycra is truly shocking. And I say this as a roadie, and someone in the cycling industry.*⁴⁵⁸

*At the heart of the problem is that roadies are often perceived as arrogant, elitist, self-righteous, and acting as if they're above the law.*⁴⁵⁹

9.2.1 The role of the media

As discussed earlier, the national and Queensland media provide extensive coverage to the tensions between cyclists and motorists on Queensland roads, not all of it helpful or productive. In the last weeks of finalising this Report, the Courier Mail published a potentially inflammatory opinion piece written by Jane Fynes-Clinton entitled *OPINION: Look out for others before peddling your political agenda*. In it, she opined:

Seemingly unable to travel single file on the roads, cars must navigate around clusters of them when they are in the saddle. Then they dismount and band together at coffee shops, again forcing people to step around them.

Why must cyclists always bunch up? And how many cyclists does it take at coffee shops in the prettiest locations before there is no longer room for non-sweaty civilians? The tipping point is past at some businesses.

The loud and obnoxious minority among the weekend cyclists freak me out a bit. They are bright, rowdy and seem oblivious to those around them. Such rudeness should never be acceptable in our civil society.

*While weekend cyclists certainly exercise, they also exercise their rights - with elbows out and eyes fixed on what they perceive is their road. Pity those who try to share their space.*⁴⁶⁰

The opinion piece generated an instant and strong reaction including from the Amy Gillett Foundation which, on 1 November 2013, responded:

Jane Fynes-Clinton's opinion piece was clearly designed to stir up a community reaction and possibly attract eyeballs to the Courier-Mail website. While Jane raises some good points, her article also includes misinformation that is too often broadcast by mainstream media...

While "cyclists might claim they are treated like the poor cousin in road-user hierarchy" it is often due to being treated as such. All too often fuelled by journalists who feel free to lump all bike riders together in a 'lycra-clad weekend warriors' stereotype...

*... she is entitled to her opinion, that's a freedom we all enjoy in Australia. However, when someone has a public voice and their opinion contains misinformation about bike riders it can fuel divisive debate between road users – and directly impact people's safety.*⁴⁶¹

⁴⁵⁷ <http://www.dailymail.co.uk/debate/article-2242003/Arrogant-abusive-oh-smug--cyclists-think-theyre-law.html#ixzz2kUb88V00> [13 November 2013]

⁴⁵⁸ <http://www.adventure-journal.com/2011/01/reader-poll-which-sport-has-the-smuggest-participants/> [13 November 2013]

⁴⁵⁹ <http://www.adventure-journal.com/2012/05/poll-whats-the-worst-thing-about-road-cyclists/> [13 November 2013]

⁴⁶⁰ <http://www.couriermail.com.au/news/opinion/opinion-look-out-for-others-before-peddling-your-political-agenda/story-fnihsr9v-1226749955145> [12 November 2013]

By 4 November 2013, the Sydney Morning Herald ran an article entitled “Does the media help whip up anti-cyclist rage?” In it, Michael O’Reilly also considers Fynes-Clinton’s opinion piece:

It almost seems a rite of passage. It certainly is a staple, and an extremely predictable one at that: the opinion columnist having a go at cyclists and cycling...

Are media reports about cycling – be they controversy-seeking opinion pieces, newspaper campaigns against infrastructure, emotive reports on tabloid TV, or the endless complaining of “shock jock” radio announcers – an indirect source of danger to cyclists?

It’d be hard to quantify any actual increase in hostility to cyclists, but stirring up people’s emotions is surely unlikely to lead to calmer and more considerate road behaviour.

But I’ve heard many people express concern that media reports portraying bicycles as the great scourge of our roads might indirectly encourage dangerous behaviour by the haters out there. The people who skim past cyclists at speed, in order to scare them. Who tailgate, who hoot, who cut them off on purpose.

I’m not sure how much influence the media has on road behaviour. Sometimes I like to think that publicised controversies actually improve average road user behaviour – people don’t want to be lumped in with the angry complainers.

But when I got on my bike last week, I thought of Queenslanders like Craig Cowled and Richard Pollett, and the damage a vehicle can do to an unprotected human. On Thursday afternoon, another report of a cyclist killed near Brisbane in a collision with a motor vehicle put it all in tragic perspective.

It’s fair to say I did an extra bit of glancing over my shoulder that day.⁴⁶²

9.2.2 Committee comment

The Committee has been most interested to learn of the wide range of theories put forward to explain the aggression evidenced on our roads between cyclists and motorists.

In particular, the Committee was concerned to learn of the out-group homogeneity effect which contributes to cyclists being seen as ‘cockroaches’ and to the failure of some motorists to identify with cyclists as other people. The Committee was pleased to note the recent shift in the Government’s road safety advertising campaign away from ‘blood and broken bones’ and towards ‘real stories of real people’⁴⁶³ which may go some way to helping overcome this lack of empathy.

Further, while the Committee has not had the opportunity in this review to explore this area deeply or comprehensively, it believes that further, scientific research to explain and understand the aggression is warranted. Such research would be widely useful to a range of agencies and organisations attempting to affect change in this area.

The Committee has formed a strong view that education and awareness are crucial strategies in addressing some of the psychology which underlies aggressive and dangerous behaviours on the road. A number of recommendations which focus on education and awareness campaigns follow in the next section of this Report.

⁴⁶¹ <http://www.amygillett.org.au/fynesclinton> [12 November 2013]

⁴⁶² O’Reilly M, Does the media help whip up anticyclist rage?, 4 November 2013 in The Sydney Morning Herald

⁴⁶³ Media Release, Road safety falls to real Queenslanders, The Hon. Scott Emerson, Minister for Transport and Main Roads, 7 November 2013

10 Education and awareness

10.1 Education and awareness campaigns

There is a large body of international research that examines the effectiveness of road safety mass media campaigns on behaviour change. The research has led to the identification of the key factors that contribute to successful road safety campaigns.

In 1991, a Monash University Accident Research Centre report showed that:

*In Australia and elsewhere, education and publicity have been most successful in modifying behaviour when combined with laws that are themselves directly related to safety, and that are strictly enforced... The successes of public education in helping to reduce the incidence of drink-driving and alcohol-related crashes lie primarily in the unique way which, in Australia particularly, they have been combined with tightly-enforced legislation. The education helps to build support for laws and their enforcement, it helps to explain what the laws mean, and it helps to maintain a high visibility for the laws so that a high perceived risk of apprehension is maintained.*⁴⁶⁴

This research also indicates that people are most likely to change their behaviour if the mass education has the following characteristics:

- includes specific detailed recommendations of the behaviour in question and how to modify it
- perceived as coming from a highly credible source
- balances the pros and cons of an argument rather than being purely one sided
- draws the conclusions clearly for the audience
- is combined with the enforcement of effective laws.⁴⁶⁵

A later Monash University Accident Research Centre report reinforced these findings and also noted further elements which determine road safety outcomes:

*The evaluation research highlights three key elements of road safety mass media campaigns that are associated with improved road safety outcomes. First, campaigns with **a persuasive orientation and those that use emotional rather than rational appeals** [author's emphasis] tend to have a greater effect on the relevant measure of effect... Secondly, **the use of explicit theoretical models and prior qualitative or quantitative research to inform the development of the campaign** [author's emphasis] message and execution has been found to increase the effectiveness of campaigns... Thirdly, **the use of public relations and any unintentional associated publicity** [author's emphasis] (i.e. unpaid media activity or public relations relating to the campaign) appears to be more important to the outcome of the campaign than the use of enforcement. However, the combination of public relations and enforcement as supporting activities shows particularly large effects.*⁴⁶⁶

⁴⁶⁴ Henderson M, Education, Publicity and Training in Road Safety: A Literature Review, Report No. 22, 1991: iii-viii

⁴⁶⁵ Henderson M, Education, Publicity and Training in Road Safety: A Literature Review, Report No. 22, 1991: viii

⁴⁶⁶ Delaney, Lough, Whelan and Cameron, A Review of Mass Media Campaigns in Road Safety, 2004: xvi

Numerous submissions have called for more comprehensive, more integrated and more pervasive education and awareness campaigns to increase the knowledge and understanding of the QRR generally and to improve the response of cyclists and motorists to each other and to other road users.⁴⁶⁷

*RACQ believes the outcomes of the review should incorporate a mass education campaign about road user courtesy acknowledging that cyclists and other vulnerable road users have a legitimate place on the road, and that there is a need for all road users to familiarise themselves with the current road rules... Using an evidence base of studies into injury and perceptions of risk provides an understanding of the factors affecting cyclist injury and should be used to support mass education...*⁴⁶⁸

*To date, there has been very little public education that has specifically addressed cycling-related road rules. Increased education of road rules is required as one factor that will lead to improved road user behaviour and subsequently improved bicycle rider safety.*⁴⁶⁹

Some submitters also commented on the success of previous education and awareness campaigns in addressing many of the current issues and concerns involving cyclist and motorist interactions, for example:

*The full campaign ('Share with Care') was in part a response to previous episodes of aggressive behaviour and a general lack of understanding of the rules and responsibilities of road and pathway users. A recent survey of cyclists' perceptions on the Sunshine Coast reported that over 40% believed that cycling conditions have improved in the past year. Although there may be no direct evidence to link the education campaign to the significantly improved perception, education has been an area of major focus and could reasonably be expected to have been a major contributor to the improvement... Education is seen as key to a safer environment for all road and pathway users.*⁴⁷⁰

Several submissions commented on the need for campaigns to be designed for identified target audiences (that is, cyclists separate to motorists) and for the campaigns to incorporate content on specific issues (roundabouts, left turns at intersections, overtaking a cyclist etc.). These specific issues are explored below.

10.1.1 Queensland road rules

The Committee received numerous submissions that criticised the poor QRR knowledge of many road users and called for better QRR education and awareness. In addition to the extracts from submissions quoted at the commencement of this section (Education and awareness campaigns), further examples include:

*It seems to be universally acknowledged that drivers have a poor understanding of the full range of road rules and yet this seems to be acceptable... Cyclists are also guilty of bad behaviour and ignoring road rules in a way which antagonizes drivers. Education is seen as key to a safer environment for all road and pathway users.*⁴⁷¹

Many motorists seem to be unaware of the road rules relating to cyclists... Even some of the submissions to the committee are premised upon a lack of knowledge of the current road

⁴⁶⁷ Submissions 2: 4, 5: 2, 10: 1, 13: 1-2, 17: 1, 19: 2, 26: 2, 39: 2, 44: 6, 45: 3, 47: 3, 50: 1, 62: 3, 65: 7, 69: 2, 72: 3, 75: 5, 79: 3, 81: 6-8, 84: 2, 86: 9, 91: 6, 93: 2, 95: 2, 97: 22, 100: 3 and 105: 2

⁴⁶⁸ Submission 76: 2

⁴⁶⁹ Submission 97: 22

⁴⁷⁰ Submission 91: 3

⁴⁷¹ Submission 77: 2

*rules. This further supports the notion that there are benefits to additional education of all road users about the road rules and other measures that encourage safe cyclist interactions.*⁴⁷²

Mr Peter Duffy has also suggested that confusion, specifically in relation to roundabouts, increases the likelihood and severity of crashes for cyclists.⁴⁷³

Roundabouts

The interaction between cyclists and motorists at roundabouts has been considered in the infrastructure and road rules review sections of this Report and the Committee has made a number of recommendations. Regardless of whether or not those recommendations are implemented, greater awareness and understanding of how to interact with other road users at roundabouts is required. Two submissions stated that interaction between cyclists and motorists at roundabouts is particularly misunderstood and dangerous and that any education campaign should seek to clarify the QRR as they pertain to cyclists using roundabouts:

*Roundabouts are rarely understood by motorists and cyclists. Giving way to other traffic, the use of a dedicated cycle lane at the entrance, the right of cyclists to occupy general traffic lanes even if cycle lanes are marked and the rules applying to two lane roundabouts are rarely understood by users... There is a need for a concerted campaign of education of how road rules apply for all users of roundabouts.*⁴⁷⁴

*The current tacit acceptance of this lack of knowledge needs to be changed if safety for cyclists at roundabouts is to improve.*⁴⁷⁵

Minimum overtaking distance

The Committee is recommending that the QRR be amended to specify a MOD when overtaking a cyclist. Many submissions also called for the implementation of an awareness campaign if MOD laws are to be adopted.⁴⁷⁶

*Whilst I support a minimum safe passing distance law it will not make the roads safer unless it is enforced and backed up with an education campaign designed to change the current unsafe aggressive driving culture we have on Queensland roads.*⁴⁷⁷

*Should the 1 metre rule become law, education of all road users is critical.*⁴⁷⁸

Comments were also made on the educative power of a MOD in a number of submissions⁴⁷⁹, referring to the Rutgers Report, *The 3 ft. Law: Lessons Learned from a National Analysis of State Politics and Expert Interviews*, as an example:

... The report concludes that the value of the legislation is not so much in enforcement and penalties to motorists as it is in education and awareness of the shared road... There is a broad consensus that the 3 ft. Law, where it has been introduced, is an effective basis for education and awareness. This summary suggests that the introduction of a 1 m Law in Queensland would need to be accompanied by an appropriate budget for an awareness and

⁴⁷² Submission 76: 5

⁴⁷³ Submission 77: 4

⁴⁷⁴ Submission 77: 4

⁴⁷⁵ Submission 91: 6-7

⁴⁷⁶ Submissions 31: 3, 32: 4, 36: 4, 41: 2, 50: 2, 54: 5, 77: 3, 85: 2, 88: 1, 91: 6, 93: 4 and 100: 3

⁴⁷⁷ Submission 41: 2

⁴⁷⁸ Submission 93: 3

⁴⁷⁹ Submissions 36: 3-4, 93: 2-3 and 97: 24

*education campaign... We endorse the introduction of a 1 m Law for Queensland as an educational tool as well as an enforcement tool.*⁴⁸⁰

The Rutgers Report itself states:

*Is the time and effort required of bicycle advocates to pass such legislation, therefore a waste of time? The answer is no – as long as those involved with the legislative process see the most vital attribute of the 3ft law is its potential as an educational tool. The power behind the 3ft law is its ability to increase the overall awareness bicycling safety and the rights and responsibilities of all road users, including cyclists.*⁴⁸¹

10.1.2 Misconceptions about entitlement to road use

Many submissions made reference to the common misconception amongst motorists that they 'owned' the roads and that cyclists were interlopers and 'free riders' who did not pay for road construction and maintenance and therefore had no right to use them. A number of these submissions also called for a specific education campaign (or inclusion in a campaign) to combat and clarify this misconception.

*It is a popular myth that motorists pay for the roads through their registration and that because cyclists do not pay registration, they are "free riders". However, the truth in Queensland is that motorists do not pay their way with their registration. This has been shown again this year in the 2013-14 Department of Transport and Main Roads Service Delivery Statement. Page 19 of this document shows that in 2013- 14 the Queensland Government expects to receive \$1.5 billion in motor vehicle registration revenue. This same document indicates the department has budgeted to spend at least \$2.6 billion of Queensland Government funding on roads, a difference of \$1.1 billion.*⁴⁸²

*... This denouncement needs to go hand-in-hand with an education campaign explaining how our roads are actually funded: through general revenue (income taxes, rates, etc.) which we all pay directly or indirectly.*⁴⁸³

10.1.3 Committee comment and recommendation

The Committee makes numerous recommendations throughout this Report which will impact on infrastructure, Queensland road rules and a range of other areas. While these changes are crucial to improving the interactions between cyclists and other road users and ultimately, to improving road safety outcomes, the Committee is firmly of the view that these strategies alone will not deliver the improved outcomes being sought.

The Committee believes that these strategies must be implemented in combination with a comprehensive, behaviour-change focussed, education and awareness campaign focussed specifically on cycling. The numerous suggestions that have been made in submissions about the content for such a campaign should be considered when TMR is developing the campaign as well as any changes that are introduced as a result of the recommendations contained in this Report.

⁴⁸⁰ Submission 36: 3

⁴⁸¹ Brown, C. et. al., *The 3 ft. Law: Lessons Learned from a National Analysis of State Politics and Expert Interviews*, Rutgers Edward J. Bloustein School of Planning and Public Policy, May 2012: 75

⁴⁸² Submission 90: 33

⁴⁸³ Submission 42: 2

Recommendation 56

The Committee recommends that the Minister for Transport and Main Roads develop proactive, comprehensive and integrated education campaigns to be funded and implemented urgently. The campaigns should include any of the changes that are introduced as a result of the recommendation contained in this Report and also encompass (but not be limited to):

- Queensland road rules and responsibilities, specifically as they relate to cyclists
- awareness of penalties
- roundabouts
- overtaking (cyclists overtaking cars and motorists overtaking bicycles)
- left turns on red lights
- entitlement to road use (including how road infrastructure is funded)
- vulnerable road user principles/liability
- dooring
- rolling stop.

10.2 Education through signs

In its submission, the AGF recommended that:

... the Queensland Government approve a suitable permanent road-side sign depicting driver-bicycle rider normal interaction in regional areas. The purpose of this sign is to provide better awareness to motorists to look out for bicycle riders using regional roads, and to drive in preparedness to share the roads safely with bicycle riders.⁴⁸⁴

Examples include:

Figure 33:



Source:
<http://bikeportland.org/2008/12/30/guest-article-why-portland-needs-a-safe-passing-distance-ordinance-12585>



Source: Submission 97: 27

⁴⁸⁴ Submission 97: 27

10.2.1 Committee comment and recommendation

The Committee has formed the view that such signage would be effective not only in regional areas but also in many urban and suburban areas as well. The Committee is therefore recommending that the Minister for Transport and Main Roads identify locations where road users are failing to allow a sufficient distance when overtaking a cyclist and to introduce this (or similar) signage at these locations.

Recommendation 57

The Committee recommends that the Department of Transport and Main Roads approve and install suitable permanent roadside signs depicting required driver-bicycle interaction as part of the introduction of new minimum overtaking distance laws.

10.3 Social marketing

According to the Australian Association of Social Marketing, social marketing seeks to:

*... develop and integrate marketing concepts with other approaches to influence behaviour that benefit individuals and communities for the greater social good. Social Marketing practice is guided by ethical principles. It seeks to integrate research, best practice, theory, audience and partnership insight, to inform the delivery of competition sensitive and segmented social change programmes that are effective, efficient, equitable and sustainable.*⁴⁸⁵

Dann and Dann, in their *Insight and Overview of Social Marketing* report (prepared for the Queensland Department of the Premier and Cabinet) state that:

Social marketing as a field of marketing has been in existence for around 40 years, yet it is only relatively recently that it has gained popularity in the Australian government marketing context. As a management practice, social marketing is based on the adoption of the marketing philosophy, and adaptation of marketing tools and techniques, to assist in facilitating behavioural change. Key areas where the social marketing approach has been employed include health, road safety and physical activity.

Social marketing, as the name implies, is grounded in commercial marketing theory and practice. However, given that the application of social marketing is predominantly in non-commercial sectors, social marketing practice draws on a range of related disciplines including sociology, psychology and other social welfare related activities...

*The underpinning philosophy of social marketing is that social change is best brought about through persuading the individual to change their current behaviour to a new behaviour with a superior social outcome.*⁴⁸⁶

⁴⁸⁵ Australian Association of Social Marketing, What is Social Marketing?, <http://www.aasm.org.au/about-us/> [15 November 2013]

⁴⁸⁶ Dann S and Dann S, *Insight and Overview of Social Marketing*, Queensland Government, 6 September 2011: 2-6

There are numerous examples of social marketing being used to considerable effect as part of campaigns throughout Australia to affect road safety and transport related behaviour change. For example:

- Cycle Instead Campaign (1999, WA Department of Transport)
- Dumb Ways to Die (2012, Metro Trains Melbourne, Victoria)
- Pinkie (2007-2011, Transport for NSW)
- Wipe Off 5 (2001, Transport Accident Commission)
- Every K over is a Killer (Queensland Transport)

10.3.1 Committee comment and recommendation

The Committee recognises that the various types of education and awareness programs all have significant potential to improve outcomes for road safety, not least of which is that, in the Committee's view, they offer a holistic framework within which to structure, sequence and integrate campaign content.

The Committee believes that the behaviour change capacity of social marketing offers particular opportunities and strengths in relation to the behaviour change clearly needed to improve the interaction of cyclists and motorists on Queensland's roads. The Committee notes that TMR has already incorporated social marketing principles into a number of recent road safety campaigns, including Every K over is a Killer and that the Government has recently embarked on a new road safety advertising campaign and supports the shift away from 'blood and broken bones' and towards 'real stories of real people'.⁴⁸⁷

The Committee is therefore recommending that the Minister for Transport and Main Roads investigate and incorporate social marketing principles as extensively as appropriate into the education and awareness campaigns recommended in this Report.

Recommendation 58

The Committee recommends that the Minister for Transport and Main Roads investigate and incorporate social marketing principles as extensively as appropriate into the education and awareness campaigns recommended in this Report.

10.4 Road safety budget

On 4th June 2013, the Minister for Transport and Main Roads announced the *Queensland Road Safety Action Plan 2013-2015* stating that:

Community engagement and education will be the cornerstone of the Newman Government's two-year \$350 million plan to tackle a rising road toll.⁴⁸⁸

The Queensland Government has emphasised education and awareness as central planks in its *Queensland Road Safety Action Plan 2013-15* which sets out:

... what the government will do over the course of the next two years to work towards achieving a safe road transport system. It addresses the areas of the road network that

⁴⁸⁷ Media release, Road safety falls to real Queenslanders, The Hon. Scott Emerson, Minister for Transport and Main Roads, 7 November 2013

⁴⁸⁸ Media Release, Action on road safety, The Hon. Scott Emerson, Minister for Transport and Main Roads, 4 June 2013

*have the greatest potential to reduce the number of casualties on our roads. These include targeted improvements to road and roadside infrastructure, **educating road users to make safe on-road decisions and comply with existing laws** [author's emphasis], encouraging people to purchase the safest vehicle in their price range and maintaining a strong speed management program.*⁴⁸⁹

The education and awareness elements in the Action Plan include:

- *\$2 million per year to establish a community road safety fund to allow community groups to apply for funding to assist with the operation of their local road safety education and awareness programs and road crash injury rehabilitation programs*
- *\$480,000 over three years to expand RACQ's Docudrama Program across the state to educate Queensland senior high school students about the potential risks of travelling in a vehicle as both drivers and passengers and*
- *\$1.6 million over three years to work in partnership with Queensland Health and RACQ to expand the Prevent Alcohol and Risk-related Trauma in Youth (PARTY) injury awareness program.*

The RACQ released its regular comment on the State Budget in June 2013 stating:

*The good news is that Government... committed significant funds to road safety through its Queensland Road Safety Action Plan 2013-2015. The plan provides \$350 million for road safety over two years... The Road Safety Action Plan reflects many of the safety priorities that RACQ has championed. Notably, the Action Plan includes improvements to the road traffic crash reporting system and it promises \$19.8 million for a three year education program to tackle behavioural change, such as the Fatal Five.... The Queensland Road Safety Action Plan 2013-2015 provides a much needed funding increase to the \$100 million for road safety in last year's Budget.*⁴⁹⁰

In its submission, the AGF recommended:

*... the allocation of 18% of the road safety communications budget to awareness and education between bicycle riders and drivers. Why 18%? Because bicycle riders comprise 18% (and growing) of all seriously injured road users.*⁴⁹¹

Triathlon Queensland also recommended:

*A minimum spend should be enforceable at state government level on cycle safety promotion equivalent to the percentage of all Australian land transport crashes that involve cyclists.*⁴⁹²

While the AGF has suggested the figure of 18% because it represents cyclists as a percentage of all seriously injured road users, it is noted that 18% also represents the proportion of the Australian population who ride bicycles.⁴⁹³

⁴⁸⁹ TMR, Queensland Road Safety Action Plan 2013-2015, <http://www.tmr.qld.gov.au/Safety/Road-safety/Strategy-and-action-plans.aspx> [4 November 2013]

⁴⁹⁰ RACQ, 2013-2014 State Budget Comment, http://www.racq.com.au/data/assets/pdf_file/0003/129351/QLD_State_Budget_Comment_2013-2014.pdf [30 Oct 2013]

⁴⁹¹ Submission 97: 22

⁴⁹² Submission 102: 3

⁴⁹³ AGF, Manifesto, <http://www.amygillett.org.au/assets/PDFFileStore/AGFManifestoApril2013.pdf> :1 [11 November 2013]

10.4.1 Committee comment and recommendation

The Committee notes the Queensland road safety budget allocation for the three years from 2013-2015. However, it is not clear to the Committee how much, in total, of the available funding has been allocated to communication, education and engagement-type activities.

The Committee is pleased to see that vulnerable road users are recognised as casualties of serious road accidents in the Queensland Road Safety Action Plan 2013-2015 and is pleased to see that significant funds have been allocated to improving cycling infrastructure. However, the Committee is concerned to ensure there are funds dedicated specifically to cycling-related education and awareness campaigns in the Action Plan.

The Committee is therefore recommending that the proportion of the annual road safety budget dedicated to education and awareness between cyclists and drivers be at least proportional to the representation of cyclists in the Australian population (around 18% in 2011).

Recommendation 59

The Committee recommends that the Minister for Transport and Main Roads ensure the proportion of the annual road safety budget dedicated to education and awareness between cyclists and drivers be at least proportional to the representation of cyclists in the Australian population (around 18% in 2011).

10.5 Working collaboratively

There are numerous examples currently of education campaigns where the Government has worked collaboratively with other stakeholders and agencies to develop and deliver effective campaigns. An example of this kind of partnership is the SafeRoads4Logan strategy being delivered with the Logan City Council.

Maurice Blackburn and Safe Cycling Australia agree that collaboration is necessary to deliver effective campaigns and achieve outcomes stating:

Peak cycling representative bodies have a wealth of knowledge and experience and a broad view of cycling issues. Similarly, local groups collect data regarding the local habits of cyclists and provide important data to their members. Maurice Blackburn and Safe Cycling Australia recommend that the government undertake a more collaborative approach to working with these existing organisations and to establish road safety groups which can identify, monitor and promote road safety issues relevant to cyclists.⁴⁹⁴

10.5.1 Committee comment and recommendation

The Committee notes that there are numerous government agencies and external organisations actively working in this area and that there is tremendous potential to avoid duplication and deliver great efficiency by working collaboratively.

The Committee is therefore recommending that the Government work collaboratively with all organisations involved in cycling safety with a view to sharing resources to achieve efficiency and greater safety outcomes.

⁴⁹⁴ Submission 65: 8

Recommendation 60

The Committee recommends that the Minister for Transport and Main Roads work collaboratively with organisations involved in cycling safety with a view to sharing resources to achieve efficiency and greater safety outcomes.

10.6 Driver's licence testing and driver's licence renewal testing

A number of submissions have included suggestions that both the process of obtaining a driver's licence and also of renewing an existing driver's licence should be much more rigorous in order to improve road safety outcomes:

*Driving is a privilege, not a right. Driver training should be more rigorous, making licences harder to get and easier to lose to encourage better adherence to road rules. This would see a decrease in all road accident deaths.*⁴⁹⁵

*Improved driver licensing testing and continuous testing and training throughout the period which a licence is held.*⁴⁹⁶

One submission specifically recommended the inclusion of cycling content in driver education:

*Driver training and education needs to be much better with respect to cyclists and pedestrians. It requires retesting where appropriate.*⁴⁹⁷

10.6.1 Driver's licence testing

Numerous submissions have also commented on the need to mandate cycling content in both the written and practical tests associated with driver licensing in Queensland.⁴⁹⁸ Some examples include:

*Driving around cyclists should be a more focussed area of the driving test for new drivers.*⁴⁹⁹

*... Including a section in the written test about the rights of cyclists.*⁵⁰⁰

*... Increase number of questions relating to bicycles on driver's license exams.*⁵⁰¹

*The Queensland Driving Test and Learner Driving Permit Test be updated to include greater emphasis upon the interaction between motorists and cyclists.*⁵⁰²

10.6.1.1 Committee comment and recommendation

The Committee believes that the inclusion of cycling content in both the written and practical driver's licence tests is vital in terms of increasing understanding of the road rules and therefore, reducing animosity on Queensland roads over time. The Committee is therefore recommending compulsory inclusion of cycling content in both the practical and written tests.

⁴⁹⁵ Submission 38: 2

⁴⁹⁶ Submission 105: 2

⁴⁹⁷ Submission 81: 6

⁴⁹⁸ Submissions 22: 15, 29: 4, 39: 2, 42: 10, 44: 6, 88: 1, 93: 4, 97: 22-23 and 102: 3

⁴⁹⁹ Submission 44: 5

⁵⁰⁰ Submission 29: 4

⁵⁰¹ Submission 22: 15

⁵⁰² Submission 39: 2

Recommendation 61

The Committee recommends that the Minister for Transport and Main Roads include cycling related material in both the written and practical driver's licence testing. Specifically:

- mandatory inclusion of at least 5% (or 2 questions, whichever is higher) about road rules relating to cycling in the theoretical/written component of driver's licence testing and
- mandatory inclusion of interaction with cycling related infrastructure in the practical component of driver's licence testing.

10.6.2 Driver's licence renewal testing

Numerous submissions made reference to motorists' lack of knowledge of cycling-specific road rules. Indeed, there are numerous misconceptions and misunderstandings of cycling road rules evident in submissions to this Inquiry. A suggestion put forward in a number of submissions is the requirement to retest drivers' knowledge when they renew their driver's licence.

An effective way to ensure that road users understand road rules is to introduce a system of driver license renewal testing. A system where all or a random selection of drivers renewing licenses are required to undertake a test would encourage all road users to revise or relearn the practical application of road rules.⁵⁰³

At license renewal time, making it compulsory to re-sit a theory test (including a section about the rights of cyclists). Perhaps the renewal test could be an on-line test. Given changes to road rules and conditions over time, I think it's fair to say that a lot of people are over-due for a refresher course.⁵⁰⁴

License holders to re-sit license theory exam every or every second renewal.⁵⁰⁵

As can be seen from this small sample of quotes, several suggestions have been made for the implementation of such a scheme including random testing, online testing and testing only on every second renewal.

10.6.2.1 Committee comment and recommendation

The Committee agrees with the views of a number of submissions that many motorists lack a current knowledge of the Queensland road rules, especially as they pertain to cyclists, for a range of reasons including changes to the Queensland road rules since the driver first obtained their driver's licence and the lack of incentive or requirement to maintain currency of knowledge.

The Committee believes that it is critical for road safety for motorists to maintain a current knowledge of the Queensland road rules and that some form of revision of road rule knowledge upon licence renewal is desirable. The Committee believes registration notices and notices for traffic offences would provide further other opportunities for road rule revision.

⁵⁰³ Submission 77: 2

⁵⁰⁴ Submission 29: 4

⁵⁰⁵ Submission 22: 15

Recommendation 62

The Committee recommends that the Minister for Transport and Main Roads develop a simple form of road rules revision (such as a short, online, open-book check list) which should be promoted in driver's licence renewal, registration and traffic offence notices.

10.6.3 Queensland road rules guide: Your Keys to Driving in Queensland

In Queensland, the driver's licence handbook is called *Your Keys to Driving in Queensland*.⁵⁰⁶

The AGF in its submission stated:

*Currently in the Queensland driver's licence handbook references to bicycle riders and cycling facilities (e.g. bicycle lanes) are interspersed throughout the handbook. The AGF recommendation is that this information be consolidated in a separate section of the handbook that provide a clear reference to bicycle riders for new road users.*⁵⁰⁷

10.6.3.1 Committee comment and recommendation

The Committee believes that gathering all cycling related information into one section of the Queensland Road Rules guide will bring a focus to cycling-related road rules and in so doing, make it easier and more likely that motorists will develop an appropriate understanding of how to interact with cyclists on Queensland's roads. The Committee is therefore recommending the consolidation of all cycling related information in the guide into one distinct section.

Recommendation 63

The Committee recommends that the Minister for Transport and Main Roads ensure the consolidation of all cycling related information in the *Your Keys to Driving in Queensland* driver's licence guide into one distinct section.

10.7 Compulsory cyclist awareness training for professional drivers

It has been noted in this Report that numerous submissions have recommended a comprehensive campaign to educate motorists and cyclists about sharing Queensland roads with cyclists. Many submissions also recommended that a crucial target audience for education is the professional driver audience that is taxi, bus and truck drivers as well as emergency services (for example fire, police, ambulance) for whom time spent driving forms part of their occupational health and safety obligations. These drivers are, by definition, using Queensland roads extensively and will therefore interact with cyclists most frequently.

Compulsory cycle awareness training for all professional drivers including truck, bus, taxi drivers and police. Police need to be much more aware of the issues from both sides so that they can more effectively enforce the road rules and make better judgements. As was demonstrated in the excellent submission No. 22 by Ben Stanley, even senior police fail to understand the issue and just how dangerous some driver behaviour is. Trucks, buses and taxi's have some excellent drivers but there are also some very ignorant and dangerous drivers amongst them. As we have seen with the coroners reports and courts cases recently,

⁵⁰⁶ TMR, Your keys to driving in Queensland, <https://publications.qld.gov.au/dataset/your-keys-to-driving-in-queensland> [24 October 2013]

⁵⁰⁷ Submission 97: 22

*the poor judgement by so called “professional drivers” can be shockingly bad. But even worse is that such a poor standard of driving is accepted by other drivers in juries which leads to the next point.*⁵⁰⁸

*I would like the committee to consider the Health and Safety obligations that car and heavy vehicles drivers have when using the road as employees and employers and self-employed persons, and in particular their statutory obligations under the Work Health and Safety Act 2011. [The Act].*⁵⁰⁹

The RACQ shares these views stating that:

*An opportunity exists to place safe driving and interactions between road users in the context of workplace health and safety. We believe that anyone driving as a part of their employment should be adequately trained to prevent injury to themselves or others. While clearly taxi drivers and couriers see themselves as professional drivers, there are many people whose driving is a secondary part of their work and who do not consider themselves to be professional drivers. For example, community nurses, tradespeople and teachers who need to travel from one workplace to another throughout their day to complete their main tasks are all drivers in their workplace and are often not considered professional drivers. Promotion of road user safety as part of workplace health and safety would also serve to change road culture as this sort of training has spillover into the non-work environment.*⁵¹⁰

10.7.1 Committee comment and recommendation

The Committee considers that professional drivers are likely to regularly come into contact with cyclists on Queensland roads.

The Committee understands that higher-order driver training is compulsory for all emergency services personnel as a standard part of their training and induction processes, particularly given the speed and urgency of their travel and the special dispensations from road rules afforded these drivers while ‘on the job’.

However, it is not clear to the Committee what driver training and education (and what quality of driver training and education) are compulsory for other licence classes. The Committee has formed the view that bus, taxi and truck drivers (given their sheer mass on-road, in the case of buses and trucks, and the frequency of their interactions with cyclists) should be targeted for specific bicycle-awareness and Queensland road rule education and training.

Recommendation 64

The Committee recommends that the Minister for Transport and Main Roads consider making specific road-sharing training and education compulsory for all professional bus, taxi and truck drivers as part of obtaining their operating licences.

⁵⁰⁸ Submission 75: 5

⁵⁰⁹ Submission 2: 1

⁵¹⁰ Submission 76: 4

10.8 Courses/classes for cyclists

Numerous submissions have called for education classes or training to be provided to cyclists (both adults and children).⁵¹¹

*Bike Ed programs compulsory for all schools... Adult Education classes on bike safety to be offered through T.A.F.E. or private providers.*⁵¹²

*I see many new riders doing crazy manoeuvres on the road. Most of these people are adults, I assume mainly because they are only half recalling cycling skills they had as a child. The pathway to becoming a proficient cyclist should not be about trial and error. The government should look at partnering with private industry to deliver bicycle education to children, adults and professional drivers.*⁵¹³

*Implement a compulsory road safety education program for all Primary School and High School students similar to the Dutch version that teaches students the correct road rules and their rights and obligations to other road users. The program needs to teach correct & considerate ways to walk, cycle and drive in a staged manner based on age. We wouldn't trust most parents to teach science or maths so why do we entrust them to teach appropriate road behaviour and road rules when clearly many people do not know it themselves, some don't even care and the lack of road usage knowledge is contributing to so much of the road toll & trauma.*⁵¹⁴

The AGF recommended that cyclist skills courses should be funded by government, as they are in the UK:

Bicycle skills training is a basic component of a safe cycling environment. The AGF recommends adequately funded bicycle rider skills training for all bicycle riders. Bicycle skills training can increase the confidence and safety of new and returning riders and increase the skills for existing bicycle riders. Training can assist bicycle riders to select appropriate routes and provide skills for dealing with safety issues on particular types of routes. The UK funding levels for bicycle rider training are recommended as a starting point.

*The AGF proposes government funded road safety education and bicycle skills training for all Australian children – during primary school years, and in their teenage years – as a key component for safer cycling now, for future bicycle riders, and for our next generation of drivers. Teaching young children to ride a bicycle and engage in the road network safely are key components to the approach taken in countries with high cycling participation. In the Netherlands, road safety education begins with children aged 4-5 years of age and is continued throughout primary and secondary school. The AGF supports this approach for Australian children through the programs provided by AustCycle (www.AustCycle.com.au) – a joint venture between Cycling Australia and the AGF.*⁵¹⁵

⁵¹¹ Submissions 20: 1, 28: 1, 44: 7, 75: 5, 84: 1 and 97: 28-29

⁵¹² Submission 20: 1

⁵¹³ Submission 84: 1

⁵¹⁴ Submission 75: 5

⁵¹⁵ Submission 97: 28-29

The Queensland Government's Queensland Cycle Strategy 2011-2021 states that 'Growing a cycling culture' is one of its four priority areas.⁵¹⁶ The Strategy advocates that a cycling culture is:

... about Queensland being a place where cycling is widely supported, encouraged and celebrated. This includes:

- *supporting travel behaviour change to boost cycling*
- *encouraging active school travel*
- *providing information and wayfinding*
- *promoting cycling and community education*
- *supporting cycling events*
- *engaging cycling change champions*
- *ensuring road rules and legislative frameworks support cycling.*

The Queensland Cycle Strategy states that a Queensland cycling culture will be affected, in part, through Signature Project 2.1 - *pilot and deliver nationally-accredited bicycle education programs suitable for children and adults* and that the Queensland Government will work with other stakeholders to deliver a bicycle education program suitable for children and adults.⁵¹⁷ The rationale for cycle training is further outlined in the Strategy:

... Bicycle education and training programs assist people to learn cycling skills in a supportive setting, with a strong focus on teaching people to ride safely. Courses are structured to meet the needs of beginners through to more experienced riders. Participants progress to learning more advanced skills once they have achieved the overall outcomes and milestones of the previous level. Accredited trainers are responsible for assessing rider competencies and adjusting training sessions to meet individual requirements. Quality training gives people the knowledge and skills needed to cycle confidently and safely in groups, traffic and other riding environments... For bicycle education to be successful, the Queensland Government recognises the need for a national standard to encourage consistency in best practice delivery. A number of organisations currently provide bicycle education in Australia, including Police Citizens Youth Clubs and Aus(t)Cycle... Aus(t)Cycle is a joint venture between the Amy Gillett Foundation and Cycling Australia. This training program is the result of over a decade of research, which identified a strong need to develop a national training approach. Established in 2008 to deliver high quality cycling training by accredited teachers, Aus(t)Cycle aims to encourage people of all ages to ride more often, more confidently and more safely.⁵¹⁸

However, TMR has advised that, following a review of its departmental funding priorities, the implementation of the Signature Project 2.1 initiative has been put on hold.⁵¹⁹ TMR's current initiatives that assist in the education of cyclists include:

- *information and resources on the TMR website, such as the brochure 'Cycling - a guide for parents and carers'*
- *content in the 'Road Safety Matters Prep - Year 9' curriculum resources for teachers*
- *programs conducted at the regional level by community groups and assisted by Road Safety Advisors.⁵²⁰*

⁵¹⁶ TMR, Queensland Cycle Strategy 2011–2021, Priority Areas: 22

⁵¹⁷ TMR, Queensland Cycle Strategy 2011–2021, Part A – Setting the Scene: 22

⁵¹⁸ TMR, Queensland Cycle Strategy 2011–2021, Part B – Priorities for Action: 59

⁵¹⁹ TMR, Correspondence, 22 November 2013

In addition, recently the Minister for Transport and Main Roads announced the successful applicants for the first round of the Community Road Safety Grants Program of which a number of these grants supported community based bicycle education initiatives. A second round of Community Road Safety Grants will open in February 2014.⁵²¹

10.8.1 AustCycle

AustCycle is a joint venture between the AGF and Cycling Australia. It exists to provide high quality cycling education and training which is delivered in two ways:

*Firstly, AustCycle runs training courses to accredit people as Teachers and Skills Coaches, and secondly, these Teachers and Skills Coaches go out and teach community members how to cycle. From teaching bike handling skills to adults, to helping children pedal for the very first time, to showing someone how to ride safely in traffic, our accredited Teachers and Skills Coaches deliver high-quality bicycle training across the whole of Australia... Using a system of Licensed Providers, who have accredited Teachers and Skills Coaches working for them, AustCycle delivers high quality training programs to both children and adults.*⁵²²

AustCycle training is structured into sequential competency levels, starting with beginners and ranging through to specialized training:

AustCycle Level 1 (Beginner)

This level covers basic bike safety principles and bike handling skills in a traffic-free environment. It is appropriate for complete beginners who have never ridden before, right through to people who are getting back on a bike after a few years hiatus. Level 1 includes a variety of skills and activities to progress a riders' cycling skills and confidence. While this level does not specifically teach road awareness and safety, some cycling skills relevant to riding on the road and basic traffic rules may be explained. At completion of this level participants should be able to demonstrate good bicycle control.

AustCycle Level 2 (Intermediate)

Level 2 develops road safety skills and traffic awareness. Initially this level teaches skills in a traffic-free environment but riders will then be introduced to low traffic environments (such as quiet roads or quiet shared pathways) when they are ready. Once the rider can safely and confidently manage low traffic environments, they may progress to medium traffic environments (such as busier roads and busier shared pathways). At the end of this level participants should be able to demonstrate safe cycling manoeuvres on quiet roads.

AustCycle Level 3 (Advanced)

The advanced level focuses on teaching more complicated bike handling and traffic skills. Training takes place on real roads in realistic conditions, starting on quiet roads and progressing to busier roads as riders develop skills. At the end of the course participants can demonstrate safe cycling manoeuvres on busy roads, using complex intersections and road features.

⁵²⁰ TMR, Correspondence 22 November 2013

⁵²¹ TMR, Correspondence 22 November 2013

⁵²² AustCycle, About Us, <http://www.austcycle.com.au/About-Us> [6 November 2013]

AustCycle Level 4 (Specialised)

*Level 4 incorporates a range of specialised skills packages including cycling for fitness, cycling off-road (mountain bike riding) and cycle maintenance.*⁵²³

This structured, stepped approach to skills training for cyclists (whether they be children or adults) has been articulated in the Queensland Cycle Strategy as a priority for the Queensland Government in piloting and delivering its training programs.⁵²⁴

10.8.2 Committee comment and recommendation

The Committee has formed the view that a structured, sequential approach to skills training for cyclists (whether they be children or adults) offers the greatest opportunity for effective learning because learners acquire skills and knowledge at a steady and appropriate pace, before moving on to more complex, more demanding concepts. The Committee notes that such an approach has been articulated in the Queensland Cycle Strategy 2011-2021 as a priority for the Government in piloting and delivering its training. This approach is strongly endorsed by the Committee.

The Committee has noted the advice from TMR that Signature Project 2.1 - pilot and deliver nationally-accredited bicycle education programs suitable for children and adults has been put on hold due to funding constraints and is recommending that this Signature Project be implemented as a priority.

Recommendation 65

The Committee recommends that the Minister for Transport and Main Roads consider re-prioritising implementation of the Queensland Cycle Strategy 2011-2021 Signature Project 2.1 (*pilot and deliver nationally-accredited bicycle education programs suitable for children and adults*).

10.9 Condensed, uniform code of conduct for road sharing

Currently, there are numerous versions of educational material on safe cycling and road-sharing with cyclists disseminated by a range of agencies.⁵²⁵

The AGF recently collaborated with key road safety stakeholders in Victoria in a project funded by the Victorian state-wide Community Road Safety Partnership to develop a single, short-form, code of conduct:

Working together, collaborating and co-operating is fundamental to creating a safer cycling environment and the development of education/awareness tools.

*A recent example of this in Victoria is **Sharing roads and paths** (see Figure 34 below), the new consolidated code of conduct for cyclists and road users interacting with cyclists. This new code replaces the multiple documents that were being produced across Victoria, each offering similar information but with numerous small variations and inconsistencies...*

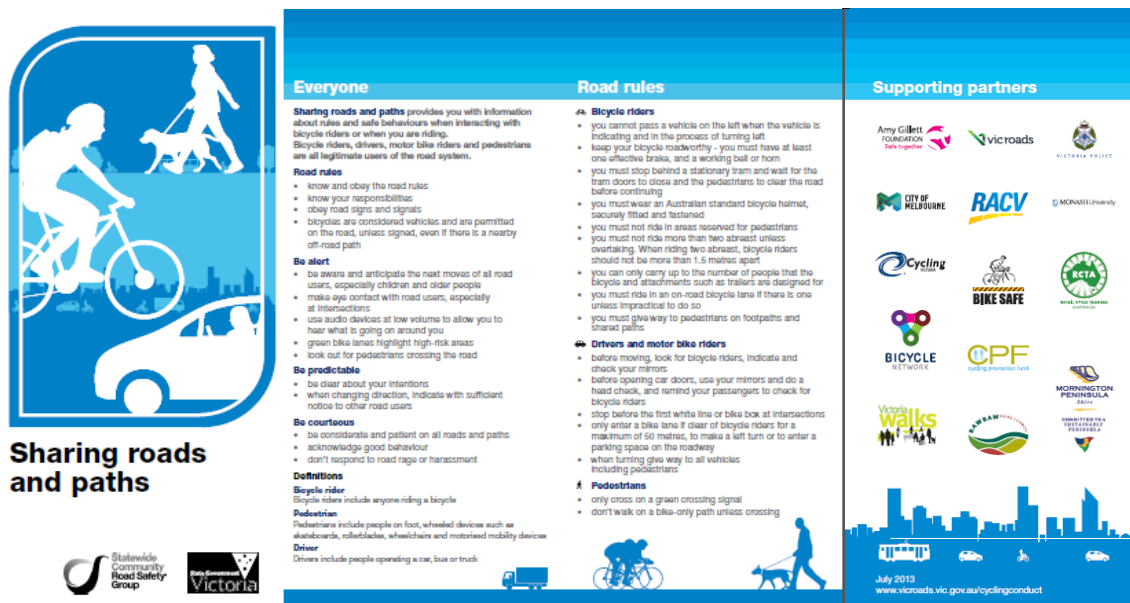
*A similar initiative is proposed for all states and territories including Queensland to ensure the messages for road users are consistent and available in one location.*⁵²⁶

⁵²³ AustCycle, What does AustCycle training consist of?, <http://www.austcycle.com.au/Cycle-Training> [6 November 2013]

⁵²⁴ TMR, Queensland Cycle Strategy 2011–2021, Part B – Priorities for Action: 59

⁵²⁵ Sunshine Coast Regional Council, Share with Care; TMR, Queensland Road Rules for Cyclists and Share the Road; RACQ Fact Sheet 15 – Safer Road Users – Sharing the Road and Aggressive/Anti-Social Driving; NRMA Insurance and Allianz Insurance websites also offer road-sharing advice

Figure 34: Victorian “Sharing Roads and Paths



10.9.1 Committee comment and recommendation

The Committee believes that, in order to achieve significant success in road safety, especially where cyclists are concerned, the ‘messages’ being sent to all road users need to be focussed and uniform throughout the State. Therefore, the Committee is recommending the development, funding and implementation of a single, short form code of conduct brochure to be widely distributed in place of the various brochures currently in existence.

Recommendation 66

The Committee recommends the Minister for Transport and Main Roads develop, fund and implement a single, short form code of conduct brochure to be widely distributed to replace the multiple documents produced by multiple agencies throughout Queensland.

10.10 Bike train or bike bus programs

The Queensland Government currently promotes bike buses (or bicycle trains, as they’re known by TMR) on the TMR website.⁵²⁷ The website states that:

Cycling to school accompanied by a parent can be a great way to travel. It gives the child and parent time together and allows children to develop cycling and traffic skills.

Several schools are planning 'bicycle trains'. A bicycle train is a group of riders under parental supervision, travelling to and from school together. It leaves at the same time each day and takes the same route, picking up students along the way in the morning and

⁵²⁶ Submission 97: 28

⁵²⁷ TMR, Parents and teachers, <http://www.tmr.qld.gov.au/Travel-and-transport/Cycling/Bike-user-guide/Parents-and-teachers.aspx> [10 November 2013]

dropping them off at their front gate in the afternoon. Usually the group is supervised by two parents, one riding at the front, one at the back.

A safe route needs to be chosen (or created with the help of your local council). Children riding with the bicycle train might also need road safety training...

Benefits include:

- *the building of friendships and the community*
- *adults can cycle with children on a roster to allow other parents to supervise children*
- *a larger group of children riding is more visible to motorists and therefore safer.*⁵²⁸

Mr Mark Allen, Deputy Principal of Trinity Bay State School in Cairns, spoke to the Committee during its Cairns hearing about his school's implementation of a 'bike bus':

*The reality is that children do not ride to school because it is deemed either dangerous or parents do not have time... Five years ago, my school was like every other school in Australia. We had about one per cent of the kids who rode. At my school five years ago there were about six or seven kids who rode to school. Today I get the bike racks counted every day and the average is 120 to 145 bikes every day, rain, hail or shine, completely independent of my bike bus program. In fact, the people that come on the bike bus program come because they love it because it builds community spirit. The bike bus does not cost a single cent to operate. It does not cost government anything. It does not cost schools anything. It does not cost me anything to run my bike bus... My program is completely free of charge, completely run by volunteers, and completely outside of school hours. I have never once ever asked a teacher to participate in my program. I have 18 ladies between 40 and 55 years of age who had not ridden a bike in 20 years who come on the bike bus, and they do not stop. I have never asked anybody to come, and I am working in a heavily unionised profession. I urge you to consider the points that I made about enabling schools to access such a program.*⁵²⁹

10.10.1 Committee comment and recommendation

The Committee notes that TMR encourages schools to participate in the bicycle trains scheme through its website and wholly supports this scheme as a way of encouraging cycling, particularly amongst young people, and as a vehicle for teaching safe cycling practices. However, it is not clear to the Committee how many schools throughout Queensland currently implement active bicycle train programs and how actively the Department promotes and supports the initiative.

The Committee believes that that bicycle train scheme offers tremendous benefits to school children, to communities and to cycle awareness more broadly and is therefore recommending that the scheme be more proactively promoted and that schools be more actively supported to implement the scheme throughout Queensland.

Recommendation 67

The Committee recommends that the Minister for Transport and Main Roads proactively promote the Bicycle Train (Bike Bus) scheme to schools throughout Queensland and that schools be more actively supported to implement the scheme in their school communities.

⁵²⁸ TMR, Parents and teachers, <http://www.tmr.qld.gov.au/Travel-and-transport/Cycling/Bike-user-guide/Parents-and-teachers.aspx> [24 Oct 2013]

⁵²⁹ Transcript 4 September 2013: 13

10.11 Additional initiatives

A range of possible new education and awareness initiatives have been suggested in a number of submissions. The suggestions include:

- mandatory printing of some carefully selected road laws (written in layman's terms) on every fuel docket. It costs the states nothing and subtly gets a message across to those who need it.⁵³⁰
- bicycle shops to provide bicycle safety information packs to purchasers of a new bicycle.⁵³¹
- a list of cycling best practice should be published on the TMR web site, discussing things like road positioning, the laws, being predictable, signalling.⁵³²
- Australian cycling is in great need of champions at the local, state and government levels among decision-makers, campaigners and politicians.⁵³³
- Educational flyers in registration and licence renewals.⁵³⁴

10.11.1 Committee comment and recommendation

The Committee considers that all the above suggestions have merit and deserve consideration. The Committee is recommending that the Minister consider these suggestions for inclusion into the comprehensive and integrated education and awareness campaign also recommended in this section of the Report.

Recommendation 68

The Committee recommends that the Minister for Transport and Main Roads consider the suggestions for new education and awareness initiatives made in submissions to this Inquiry with a view to incorporating them into the broader education and awareness campaign as appropriate.

⁵³⁰ Submission 28: 2

⁵³¹ Submission 20: 1

⁵³² Submission 44: 7

⁵³³ Submission 81: 28

⁵³⁴ Submission 75: 5

Appendices

Appendix A – List of Submissions

Sub #	Submitter
1	FDA Nathan
2	Erica Parker
3	Grant Wickham
4	Col Burg
5	Toowoomba Bicycle User Group
6	Leon Arundell
7	Joan Kneebone
8	Susan Malkinson
9	Charles Bill
10	Jeremy Dowdeswell
11	Gary Timuss
12	Michelle Graham
13	Michael Hibble
14	Darren Spina
15	Rodney James
16	Richard Scholl
17	Kenneth Edwards
18	Debbie Breen
19	John Stokes
20	Gerard McKeering
21	Hugh Ferrar
22	Ben Stanley
23	Evan Blair
24	Paul Askern
25	Shaun Elliott
26	Brian Stretton

27	Bundaberg Mad Cycologists
28	James Steward
29	Bryan Moss
30	Bob O'Brien
31	Confidential
32	Townsville Bicycle Users Group
33	Paul Dawkins
34	David Connors
35	Kevin Walters
36	Heron, Heron, Green, Sinardi, Bernhardt, Shephard, Atwater, O'Shea, Webb, Bratt
37	Martin Sher
38	Jennifer Patrick
39	Trevor Corthorne
40	Prudence Oswin
41	Mitchell Bright
42	Paul Martin
43	Dorothy Heathcote
44	Chris Cox
45	Trevor Bond
46	Freestylecyclists.org
47	Suncoast Cycling Alliance
48	Allan Sutton
49	Stephen Byrnes
50	Tina Winterbourne
51	Skippy McCarthy
52	Shaun Moran
53	Lindsay Cribb
54	Bicycle Transport Alliance
55	Logan City Council
56	Wendy Williams

57	Jim Wagner
58	Aaron Ball
59	Harry Peterson
60	Queensland Health
61	Jason Covacci
62	James Cook University Bicycle User Group
63	James Warren
64	Confidential
65	Maurice Blackburn Pty Limited and Safe Cycle Australia
66	Glenn McIntosh
67	Cairns Beaches Cyclists Association
68	Kathy Francis
69	John Stephen
70	David Russell
71	Rohan Armstrong
72	Matthew Foote
73	Neville Appleby
74	Raymond Wu Won
75	Private
76	RACQ
77	Peter Duffy
78	Yvonne Tran
79	Ben O'Duhring
80	CARRS-Q
81	Richard Bean
82	Cycling Queensland
83	Commission for Children and Young People and Child Guardian
84	Mark McDonald
85	Peter McCallum
86	Stuart Munro

87	Queensland Injury Surveillance Unit
88	David Jacobs
89	Private
90	Brisbane Central Business District Bicycle User Group
91	Sunshine Coast Regional Council
92	Private
93	Coral Isles Cyclist
94	Michael Yeates
95	John Nightingale
96	Philip and Patricia Pollett
97	Amy Gillett Foundation
98	Bicycle Queensland
99	Dirk van Kampen
100	Heart Foundation
101	Wayne Ritter
102	Triathlon Queensland
103	Bill Tait (Jnr)
104	Paul Gallagher
105	Nigel Walker
106	Brisbane City Council

Appendix B – Witnesses at public briefing and public hearings

Witnesses at public hearing held in Brisbane, Tuesday 18 June 2013
<p>Department of Transport and Main Roads Mr Graham Fraine, Deputy Director General, Customer Services, Safety and Regulation Ms Sally Samuels, Principal Adviser, Road Safety Mr Mike Stapleton, Acting General Manager</p> <p>Queensland Police Service Chief Superintendent Dale, Acting Chief Superintendent</p>
Witnesses at public hearing held in Brisbane, Wednesday 21 August 2013
<p>Member of Parliament Dr Bruce Flegg MP, Member for Moggill</p> <p>Private Capacity Mr Ben Stanley Mr Ben O’Duhring Dr Richard Bean Mr Philip Pollett Mr Michael Langdon Mr Aaron Ball Mr Michael Yeates</p> <p>Suncoast Cycling Alliance Mr Damien Jones, Founding Member</p> <p>Bicycle Queensland Mr Ben Wilson, CEO</p> <p>Brisbane CBD Bicycle User Group Mr Donald Campbell Mr Paul French, Co-convenor</p> <p>Heart Foundation Ms Rachelle Foreman, Health Director Ms Sheree Hughes, Healthy Living Manager</p> <p>CARRS-Q Professor Narelle Haworth</p> <p>RACQ Mr Steve Spalding, Executive Manager, Technical and Safety Policy Mr Michael Roth, Executive Manager, Public Policy</p> <p>Brisbane City Council Mr Brett Turville, Manager, Transport Planning and Strategy Mr Lindsay Enright, Strategic Planning Manager, Transport Planning and Strategy</p>

Witnesses at public hearing held in Mooloolaba, Sunshine Coast, Wednesday 27 August 2013**Sunshine Coast Regional Council**

Mr Peter Duffy, Senior Sustainable Transport Planner

Maurice Blackburn Pty Ltd and Safe Cycling Australia

Mr Andrew McKenzie, Principal

Private Capacity

Ms Pru Oswin

Mr Paul Gallagher

Mr Peter Duffy

Mr Nigel Walker

Witnesses at public hearing held in Townsville, Tuesday 3 September 2013**James Cook University Bicycle User Group**

Ms Adella Edwards, President

Townsville Bicycle User Group

Ms Rebecca Ryan, President

Private Capacity

Mr Malcolm Heron

Mr Rohan Armstrong

Mr Richard Scholl

Mr Scott Edwards

Witnesses at public hearing held in Cairns, Wednesday 4 September 2013**Amy Gillett Foundation**

Ms Tracey Gaudry, Chief Executive Officer

Private Capacity

Mr Grant Wickham

Mr Russell Watson

Mr Mark Allen, Deputy Principal, Trinity Bay State School

Mr Jasdeep Atwal

Mr Chriss Head

Witness at public hearing held in Brisbane, Tuesday 1 October 2013**Taxi Council Queensland**

Mr Benjamin Wash, Chief Executive Officer

Witnesses at public Roundtable discussion held in Brisbane, Wednesday 16 October 2013**Amy Gillett Foundation**

Dr Marilyn Johnson, Research and Policy Manager and Research Fellow, Monash University

Bicycle Queensland

Mr Ben Wilson, Chief Executive Officer

Brisbane CBD Bicycle User Group

Mr Paul French, Co-convenor

Queensland Law Society

Mr Luke Murphy, Principal Policy Solicitor

CARRS-Q

Dr Mark King, Senior Lecturer

RACQ

Mr Steve Spalding, Executive Manager Technical and Safety Policy

Maurice Blackburn Pty Ltd and Safe Cycling Australia

Mr Andrew McKenzie, Principal

Queensland Police Service

Superintendent, Road Policing Command, Dale Pointon

Private Capacity

Dr Richard Bean

Mr Matt Johnson

Dissenting report

DESLEY SCOTT MP

SHADOW MINISTER FOR COMMUNITIES, CHILD SAFETY, DISABILITY SERVICES AND MENTAL HEALTH

MEMBER FOR WOODRIDGE

PO Box 15057, City East QLD 4002

reception@opposition.qld.gov.au (07) 3838 6767



Mr Howard Hobbs
Chair
Transport, Housing and Local Government Committee
Parliament House
George Street BRISBANE QLD 4000

Dear Mr Hobbs

I am writing to lodge a statement of reservations with respect to the Transport, Housing and Local Government Committee's report No.39 into Cycling Issues.

The Opposition is broadly supportive of the recommendations made by the committee and is strongly supportive of moves to promote cycling and make it safer for everyone. We place on record our concerns surrounding some of the specific recommendations.

Recommendation 16

It is clear that recommendation 16 is designed solely to boost usage of Brisbane City Council's failed 'CityCycle' bicycle hire scheme.

The CityCycle scheme was introduced by then Lord Mayor Newman and still struggles to attract users. Recommendation 16 is therefore a politically motivated attempt to rectify the Premier's past record of failure from his tenure as Lord Mayor. The City Cycle program has cost ratepayers \$14 million over the last 4 years, almost ten times the original budget, and has failed to attract significant levels of usage.

Recommendation 59

With respect to recommendation 59, the Opposition believes that quarantining a percentage of the road safety budget based on the proportion of cyclists in the population is impractical. The road safety budget should be targeted to achieve maximum benefits in terms of reducing fatalities, injuries and crashes at any point in time.

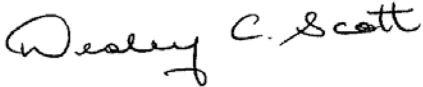
The Opposition acknowledges that education and awareness of cyclists continuously needs to be addressed through road safety campaigns. We do not believe that the number of cyclists in the general population should mandate the amount of spending on those campaigns as a percentage of the road safety budget.

It is important that the road safety advertising budget is flexible to enable it to respond to emerging trends in road crashes. It may also be the case that certain methods of low or high cost advertising are more suitable for delivering different messages. The Opposition believes that quarantining the road safety advertising budget by mode share would be an inefficient way of improving road safety awareness.

Conclusion

As mentioned we are broadly supportive of the committee's recommendations but may raise additional concerns when the report is debated in the House. We look forward to the Government's response to the report.

Yours sincerely



Desley Scott MP
Member for Woodridge