



# LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON PLANNING, TRANSPORT AND CITY SERVICES

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Submission No 20 - Mr Michael Watson

Inquiry into the Road Transport (Safety and Traffic

Management) Amendment Bill 2021 (No 2)

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## STANDING COMMITTEE ON PLANNING, TRANSPORT AND CITY SERVICES

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

Thank you for the opportunity to support this bill. I declare an interest. Six years ago, a family member riding a bicycle was struck by a speeding truck and sustained severe injuries.

The truck driver lost a few licence points and had to pay somewhere under a \$400 fine.

At the time, I recall conversations with the helpful investigating police officer, who explained to me that under the practicalities of the legislative framework at the time, that was the appropriate sanction.

I was dismayed that the penalty tariff seemed to be based on the degree of rule exceedance and the value of property damage incurred, with insignificant regard for the damage inflicted on humans.

Humans outside the protection of a motor vehicle are entitled to be on the roads where motorised vehicles travel. Children, pedestrians and cyclists are expected to take care for themselves on the road, but they do not need any form of licence or authorisation to be on a road: they are a part of the community who uses the road and drivers must provide appropriate care to reflect this reality.

Accidents are not wanted and cause harm. Nevertheless, they will inevitably happen, mostly initiated by human error. The existing fine and loss of licence points appear only to reflect the risk of harm to vehicle occupants who are well protected by mandatory vehicle features designed to give occupants protection in an accident. They do not reflect the injury potential to an unprotected person on a road following a collision when a driver has not exercised sufficient duty

of care to avoid a collision with a vulnerable person. The difference in injury potential between the occupant of a motorised vehicle and an unprotected human in a collision is enormous.

I have been riding bicycles as a commuter in Canberra for over 20 years. During that time, I have observed some excellent road safety enhancements with changes to road design features and changes in the law. I have seen how well the Canberra driving community has changed its behaviour towards cyclists in response to those changes. I am not seeking punishment for punishment's sake, but I welcome the behavioural change that I hope to see within the community that should reduce the injury risk towards its more vulnerable unprotected road users as a consequence of a more significant fine.

It is axiomatic that prevention is far more important than protection for unprotected, vulnerable road users. An effective regulatory framework needs to reflect this reality.