

The Transport, Housing and Local Government Committee

Parliament House

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Tuesday, 18 June 2013

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18 JUN 2013

THLGC

To the Committee Transport, Housing and Local Government,

Please accept my submission to be included in the committee's deliberations into particular issues to improve the interaction of cyclists with other road users.

The inquiry is to include the following:

- 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; and
- The potential benefits and impacts of bicycle registration.

My submission as follows:

In this section 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].

All road users of heavy vehicles are either self employed or employees, the road is their workplace. All these persons hold special licenses which were granted after extensive testing to allow them to drive a heavy vehicle whether it's a bus, truck, or articulated lorry, etc.

Part of the instruction is the understanding of the limitations which driving these types of equipment can include such as steering, braking and load carrying arrangements. These drivers are also very aware of the size of their vehicles in relation to the space they have on the road.

In other words holders of these licenses have to undertake competency training.

Definitions under the Act:

Meaning of *workplace*

- (1) A *workplace* is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.
- (2) In this section, *place* includes—
 - (a) a vehicle, vessel, aircraft or other mobile structure; and
 - (b) any waters and any installation on land, on the bed of any waters or floating on any waters

28 Duties of workers

While at work, a worker must—

- (a) take reasonable care for his or her own health and safety; and
- (b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and
- (c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and
- (d) co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

Work Health and Safety Act 2011 [Current as at 3 June 2013] Act binds all persons

- (1) This Act binds all persons including the State and, so far as the legislative power of the Parliament permits, the Commonwealth and the other States.
- (2) The State, the Commonwealth and the other States are liable for an offence against this Act.

Division 2 Primary duty of care

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- (1) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of—
 - (a) workers engaged, or caused to be engaged by the person; and
 - (b) workers whose activities in carrying out work are influenced or directed by the person; while the workers are at work in the business or undertaking.
- (2) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

However, it is essential that all heavy vehicle drivers are made aware of their statutory obligations whilst driving on the roads which they share with other users. This issue also applies to other persons using cars for business purposes.

I bring up this matter because your inquiry is looking at *"Current penalties and sanctions, including where there are differential fine rates for cyclists compared to other road users."*

I am unaware if there have been any prosecutions on an employee or employer whilst driving a heavy vehicle or car that has been involved in an accident during the course of their business. Fines that are incurred as a breach of The Act could be considered as part of the wider penalties that are being considered.

Statutory fines do include "on the spot fines" these could be implemented with demerit points against a license and a further financial penalties, even considering manslaughter as a charge when a death occurs.

I also feel that your terms of reference of the above are seriously disappointing.

Penalising cyclists will not achieve a reduction in injuries and death to these road users. It is simply attacking the victim. Cars kill cyclists.

Road safety begins with educating "learners". I understand that the German Government is looking at introducing extensive testing for future vehicle license holders which includes riding a bicycle [for those who are not familiar] and the skills needed to drive a vehicle safely and considering those road users.

The next part of my submission investigates your point:

- *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;*

All motorists, cycle riders, and road users know that heavy vehicles take up the entire lane. The opportunity for road users to overtake is limited, and dependent on the space available which usually includes either crossing the white line on a dual carriage way, or moving into the oncoming traffic lane in single highway driving when the road is clear.

If considering the 1 metre rule, it is very important to ensure that road users understand that this is NOT the space a cyclist needs, but is in fact the distance required to pass safely, but only when driving a motor car.

This space is completely inadequate when heavy vehicles are passing. Heavy vehicles cause lateral wind shear when passing, causing a cyclist to wobble and possibly lose balance, and even more space is required to pass safely.

Weather conditions need to be considered such as rain, and strong winds, something most vehicle drivers ignore. In France it is mandatory to reduce your road speed a full 10kms/per hour in wet or difficult driving conditions.

Many of our roads are old and designed to take smaller vehicles, and not suitable for the safe passing of bicycles, I would therefore suggest a possible option that would make it safe for cyclist to travel on these roads.

I would suggest that: where the roads are too narrow to accommodate cyclist and vehicle, that a green strip [as is currently being introduced to designate cycle lanes], is painted to cross the verge onto the footpath. This strip can be much narrower, but would give a strong visual display for the cyclist and pedestrian that it can be used. Although Queensland Road Rules allow cyclists to use the footpath this fact is not well known, and probably not considered by cyclists as often as they should to ensure their safe riding. This enforce the point that permission is given to travel on the footpath

There are many arguments that this would conflict with pedestrian safety. I would disagree with this assessment, as pedestrian traffic is often limited to traffic light crossings and inner city footpaths. Most people in the suburbs travel by car or public transport as the distances are too far to walk. However in these situations it is incumbent on the cyclist to give adequate signals. In this situation the pedestrian is more vulnerable than the cyclist.

In closing I applaud the committees decision to investigate this matter, and hope that it will be a world trendsetter in regard to road safety to our vulnerable road users the cyclist and pedestrians. With appropriate education campaigns and penalties where needed and enforced, the road safety of Queenslanders is assured. Penalties will be seen as useless if not applied, and any Road Safety campaign will be completely ineffective.

It is also clear that to improve cycling safety in Queensland a multi-factorial approach is needed. The driver, the cyclist, the road are all part of how this issue is to be resolved safely. It will take strong leadership, I hope the committee will show the way.

I have not commented on the other areas of the inquiry as my knowledge of such matters is limited.

Sincerely

Erica Parker. Grad Dip OH&S.

