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This submission is made on behalf of Cycling Queensland (CQ) in relation to the Inquiry into Cycling Issues.

Cycling Queensland (CQ) is the governing body for organised competitive cycling within Queensland, Australia. CQ has been in operation since 1893. CQ is an affiliate of Cycling Australia (CA) and the UCI (International Cycling Union) and currently has 29 affiliated clubs and over 4000 members of all ages spread throughout Queensland. The Association and its member clubs conduct competitive and recreational events on roads throughout the State and individual members of the clubs train on open roads on a daily basis.

Sadly a significant number are injured or killed while on these training rides and in the majority of cases the motorist is at fault. Even worse the Association has received regular feedback from members that police are reticent to prosecute at fault motorist in non death cases even in situations where there is serious injury.

- **Trends.** It is clear that the number of cyclists is increasing and the Queensland Cycle Strategy 2011-2021 contains statements that
 - In 2011 an estimated 814,000 people ride a bike each week which is 18% of residents
 - In 2011 it is estimated that close to 60% of Queensland household have access to a bike
 - In 2010 Australians bought more than 1.3 million new bicycles which was the eleventh year sales of bicycle outstripped car sales
 - In 2009 more that 364,000 Queenslanders rode a bike for recreation or sport which was an 11% increase from the previous two years

The Strategy' vision is supports the trend of increased usage "more cycling, more often on safe, direct and connected routes". In 2012 CQ had an 11.2% increase in membership from the previous year and was the third consecutive increase in membership. Other States affiliated with Cycling Australia have enjoyed similar rates of increase.

From this it is clear that the trend to ride bikes for recreation, fitness or sport is increasing significantly. It is also clear that the increase number of people on the roads will lead to an increase in cycle/car accidents. Almost every day in Brisbane there is a report of an accident involving a cyclist and a motor vehicle and a substantial number of people have been seriously injured or killed. There have been too many examples in sport with Olympic cyclist Darren Smith, triathlete Luke Harrop and more recently musician Richard Pollett to demonstrate that the affect of an accident involving a cyclist and a motor vehicle almost always ends in injury or death to the cyclist. Dr Flegg recently indicated that there were 33 deaths of cyclist in Australia last year alone. The trend is the same worldwide.

A cursory review of the statistics indicates clearly that in the majority of cases the cause of the accident is attributed to the motorist. The affect on the motorist is usually property damage whereas the damage to the cyclist is invariably property but mainly personal.



- **Road Rules.** The main focus of this submission is the consideration of a proposal to change the road rules to set a minimum passing distance. In this regard CQ supports the Amy Gillett Foundation position of a minimum overtaking distance of one metre and agrees that there are significant benefits to be gained which hopefully will significantly reduce the risk of rider death and injury. Benefits include:

- Improvement of safety of cyclists
- Recognises riders vulnerability
- Sets a clear measure for motorists
- Reduces risk of riders being side swiped by passing vehicles
- Improves capability of enforcement
- Acknowledges riders as legitimate road users
- Allows riders a corridor in which to avoid road hazards
- Provides an educational opportunity to learner and licenced drivers

Jurisdictions in major countries in Europe and states in the United States of America have road rules that set similar minimum overtaking distances and New Zealand makes a recommendation in their Road Code of 1.5 Metres as the minimum overtaking distance. However it is clear that any legislative change must be coupled with an adequate advertising program and that this and any other rules relating to bicycles be promoted as an important part of the driver education and licencing system.

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 there 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 rules changes will significantly improve the safety of riders particularly if promoted properly through an appropriate education process.



- **Differential Fines.** CQ is not aware of the specific examples and as such will not make comment.
- **Bicycle Registration.** CQ has not researched the matter to the extent that it can make expert comment but all discussion to the present time indicate that the cost of any such scheme would far outweigh any potential benefits.



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