

Billy Tait

The 4th day of July, 2013.

The Hon Scott Emerson MP,
The Transport Minister,
The Transport, Housing, and Local Government, Com-
mittee,
Parliament House,
Alice Street,
Brisbane, Queensland, 4000.

re a submission - set down below - herein - for an
inquiry - reportedly being conducted - by the above
mentioned - parliamentary - committee - as concerns
cycling issues in the State - of Queensland - in-
cluding the potential feasibility of bicycle re-
gistration - on the roads - of the State.

Dear sir,

From my notes - about the matter, it does not
appear that, the - newspaper - article, in which,
I read about, the above mentioned matter,
was too explicit, or indeed, made any express
mention - at all - exactly, as to, who it is, who
would, actually be, the current chairperson, of
the, above mentioned, parliamentary committee, and

so, with all due respect, I would only ask, that you consider, one, or the other, course of action, right here - at the outset, and, that is to say that, if, it should turn out, that, you, yourself, are the chairman - currently acting, of the said committee, then, I would implore you - to decide - to accept this submission - as one properly made* - and - promptly then - put it before the committee - for due consideration - of the committee as a whole - in the course of its normal sittings, or alternatively, and that is, if, ^{per chance} ~~per chance~~, it should turn out, to be, the very case, that you are, not, in fact, the - currently acting - chairperson - of the committee, then, I would beg of you, to provide, this very submission, to, whoever it is, that, would then, actually be, the - currently acting - chairperson - in point, without delay, and preferably, with a brief explanation - of the relevant circumstances - in your own words, so that, the relevant decision-maker, then, would - most expeditiously - be put into position, to decide, whether to accept this submission - or not - but - of course - I would - then - likewise - implore that decision-maker - to just accept this submission - as one properly made* - and - promptly then - put it - similarly - before the committee - itself.

Now, with all of that said, and that is, continuing, with respect, I would just like to, now, go on, to address my submission - herein - i.e. with respect to the above mentioned matter, through the chairperson
or at least one achieving "substantial compliance" - or that - otherwise - may be ut-mutatis mutandis - with respect to any defect in its format - etc. ...

thereof - of course, and thereby, to the very members of the committee - as a whole, as, is set down, below - herein.

Well, what else, can I say, Honourable Chairperson, but, apparently, 'Here we go again!...'; and that is, or would be - or so it might seem, with, an outspoken - and (no doubt) relatively 'more privileged' - few, sensationalists, and that is, perhaps, for - not readily apparent - undisclosed ulterior motives, attempting to, seize upon, seemingly, somewhat isolated, incidents, in the hope of, beating up, a bit of - media-hype, in order to, place undue influence upon elected Members - and/or - maybe - banter to the mere whimsical notions - or misguided, political ambitions - of one or two - 'hopefuls' - in the political arena, and, ultimately, that is to say, run the risk of, more, 'over-regulation', or that is, once again, seeing, some sort of, abuse, of legislative power, visiting upon, all and sundry, some, cumbersome, costly, scheme - or scam, which might, never have, a ~~ghost~~ ghost of a chance, of achieving any good objectives, or, even, if it, does that, to some extent, may indeed, otherwise, cause, such a débâcle, as to... like, e.g. have the practice of purported-law-enforcement - in point - descending (further perhaps - I might say) into some futile - farcical - pretence - or mere (costly) ^{embarrassment} ~~embarrassment~~ - all round... and, please, 'et's - all - hope, if I may now go on, into a bit of greater detail, in order to shedding some

more light - upon this opening statement, that, the Hon. Members, of the Parliament of Queensland, would be, so rightly put, into a, better position, so as to, effectively, avoid, anything, like that? ...

Be that as it may, there is, another, risk, that I would like to avoid, or, such that, I would, hope to negate, absolutely, up front, herein, and that would be, to allude to, the, or each and every-possibility, that, anything I might say - or allude to - herein, might be said, to seem, to be in concert with, another trend, of recent times, in, apparently, attempting to over-regulate, and that is, seeking to devolve, 'rafts' - of obligations - or would be so, down, to be administered - and/or enforced - by local - government - authorities... I mean, and that is, jumping ahead a bit now, just to round out, on this point - in particular, after all, they - said local authorities that is - are best placed to - or so one would postulate - and actually do - set speed limits* - on 'local roads' - at any rate... don't they? ...

Well, anyway, that is - or would be - to draw, to the point, that... or well, no, let's... if I may just, be so bold, as to take us - all - there, start out at, the beginning, and that is, following somewhat - at least my notes about - the format, of the above mentioned article, which, to the author's credit - or greater reputation - as a good journalist - i.e. striving - to then be enforced by the - State - police that is.

then to provide an open-and-at the same-time-more balanced-report, appears to have been-at least-a fairly comprehensive one, and I should just note then-or say thanks to-the 'Special Report'-or more particularly the article therein entitled 'Ride laws may change as crash tolls hit home'-attributed to the reporter one Kate Higgins'-which was published (at pages-No. 6'-and-No. 7) in the 'Townsville Bulletin'-newspaper on the 29th of June-this year-of 2013... well, anyhow, please, let me just, ^{reiterate} ~~reiterate~~, a bit of, what I seem to have, found-or read, therein, and then just, 'read between the lines' a bit-so to speak, or that is, put down, some of, my own, further comments-and pontifications*-in point, if I may, below-herein.

Well, I should just make mention, first, then, of information, made available-through the said article, by the Officer in Charge, of the Townsville Traffic Branch, of the Queensland Police Service, one, Senior ^{Sergeant} [REDACTED] who has, provided-to the discussion-in general terms, to the effect that, crash-figures for cyclists are low, in comparison to those for other-road-users, and apparently, shown, that statement, to currently be, well founded, with some detailed particulars-or data-presumably sourced from-a database of statistics compiled by-the police service itself, e.g. indicating that the number-of twenty-nine-of injury-crashes for cyclists-this year-was even lower than that-of or I should-better-say, 'postulations', that is.

thirty-three - for pedestrians - not to mention - that is - the much higher figure for vehicular users.

Anyway, all very informative - or so it would just seem, and the article goes on then, to make further references, to the inquiry - or that is this one - being conducted - by the committee, indicating that, submissions may be made - by members of the public - therein, up until the 26th of July, with public hearings to follow, and a report - by the committee - to be tabled - in sittings of the full parliament - by late November... oh, and, although, I do not seem, to have, made any note, about it, myself, I do seem to, vaguely recall, now, that it - the article that is, did make, some, brief, generalised reference, to a recent incident, involving the death of a local cyclist, which, I then, took to be, alluding to, the accompanying article - by a different author - and about same - or such an incident - in the said page - No. 7, and a recent - bit of a - media - campaign - or one or two articles at least - appearing previously in the said - or same - newspaper* ... and, I suppose that, it may be, somewhat astute - of me, to just note that, despite, all of that, I am not aware of, any proceedings, having been, yet, formally instituted, let alone finally concluded, with respect to that matter - of the said incident, although, of course, one might expect, that, by now, and that is, as a matter of course, some sort of investigation - or - police - inquiries, would have been conducted - into the

* and, as I vaguely seem to recall, with the very first - or leading article, having been, the main report, headlined on page - No. 1, of a previous - recent - edition, Page - No. 6.

matter, but, of course, that sort of comment, is not meant to be taken, as some kind of attempt, to incite the committee, or anyone else - or that matter, to just go off, on some sort of, mere, 'fishing expedition', into the matter - or purporting to so be about it, for, while, I am, not one, who has been, formally admitted, to like practise - as if - a lawyer, and so, as such, I can not possibly give - and do not purport to be - like - giving - 'legal advice' - as such, and whilst I am mindful - or ~~conscious~~ conscientious - and fully aware that is - of the personal aspects - or need - that those close to the deceased may have - to express - their own - grief - however that may be - so lawfully - done, I would always remain, and that is to say, in any case, whatsoever, of the firm conviction, that it is best, to let, justice, run its course, and I would, certainly, never advocate, for political interference, in like, the judicial process, or what-have-you.

Now, that said, I would like to, get down to, the very gist - or substance, of my submission, herein, and that is to say - or allude to the fact - that, the thought, had occurred to me, upon my reading of the said article - i.e. first mentioned above - herein, to the effect that, well, inter alia*, we might be at, some risk, of seeing, a dilemma, arising here - or that is herein, in that, while, it might be, all well and good, + not to be confused, that is to say, with a, 'dichotomy'.

* and that is, to allude to, the matter of, the role of local-government-authorities, which, I shall endeavour to, come back to - later - herein - if I may....

to like, ~~develop~~ develop a, small set, of new rules, designed to protect cyclists - and enhance and promote road safety - around some - generally, with respect to - often busy - city streets, on the other hand, and that is, if, such, new rules, were to be applied, across - the - board, as in like, a State-law, out, in the, rural - not to mention more remote - areas - of the State - of which there are many - and vast expanses thereof... well, things, might become, like, a bit of a farcical pretext, or the imposition, of an unnecessary inconvenience, to say the least, such that, might seem, to invite, ridicule, and then, general disrespect - for the law, not to mention, perhaps, frivolous - or frivolous and vexatious - abuses - of the powers of law enforcement - agencies - for example, and, well, in my experience, even in a, somewhat smaller, metropolis, like e.g. the more coastal metropolitan areas of Townsville, there are, a diverse range, of traffic conditions, which indeed, even in, the one, particular location, would vary - and that is sometimes greatly so - from time to time - even on the same day... and so, I would be inclined, to advocate that, if indeed, there really is, a problem, here, and that is, such that, can not, possibly, be remedied, with an appropriate public education - campaign - i.e. calling upon the individuals' common sense etc. ... well, the most appropriate way, or really, more suitable solution, herein, and especially so, in the light of the provisions - in point - in the Local Government Act (Qld), providing for public participation in the decision-making process - for the ma-

king of new by-laws, would, seem to be, to leave, this matter, over*, to the very powers, of the relevant local authorities†, to formulate, new policies - of their own, or that is, make, 'local laws' - in the nature of by-laws, each, in their own, respective, Local Government Area, that is, er, or, although, and again - or as always - in my own - mere - humble opinion, just as, a bit of an aside, I might say, that there may, just be, an issue there, too, in that, to preserve its own sovereignty - if nothing else - e.g. serving as a - bit of a - double - check - so as to ensure good governance - or truly responsible and representative government, the State, might have, better, been, requiring, all these years, that - purportedly made - by - laws be - ultimately - tabled - in the parliament - for approval - under the Statutory Instruments Act - or what - have - you - etc... and yes, that is to say - or allude to the possibility - that, there may be a question - or that is questions - to the day, as to, the very validity, of, all, those - purportedly made - by - laws - ie including those to be identified by the more recent tag - or legal fiction - of the terms - of - 'local laws'.

So, that is, the main point - or substantive issue - herein, as, I say, with respect - of course, the honourable members - of the committee, may well consider, to see it, however, I might, if I may - so do, dare to just, venture, a little

* and that is, not to do, the seemingly so constitutionally impossible - or - at any rate - ultra vires act, of merely seeking to impose, like, new by-laws, upon, or that is - dictate them to, local authorities - en masse - or ? at all ! ...

† if indeed, there were, to be any, so found ? ...

further, in the discussion-herein, and that is to say, without really waivering-on the point-or moving off-of that said-position, and that is, to address, some matters, of mere form, and procedures, and beginning, therein, by just, sounding, a note of caution, as to, the use of terms, in legislative decrees, for, as I'm sure we're all aware, the term of, 'cyclist', may be applied, depending on the context-I guess, to both, one who rides a bicycle, and, one who rides a motorbike, and of course, there are, bicycles, and then, there are, monocycles, and tandem-bikes, and, all sorts of things... in this day and age, anyhow, so, there would be a need, to be, not only specific, but exhaustive, in the very drafting, of any legislation-in point, as I say, if, it were to, come, to that, moreover, strictly speaking, or historically at least, the state's, transport-law-enactments, have been, primarily, directed at, only, the regulation of, motor-powered-vehicles, so, attempts to, merely make, subordinate laws-or other statutory instruments, under that-transport-law, may not be sufficient-to regulate the conduct of cyclists-anyhow, and, what, might then, be required, is like, novel, 'stand-alone-provisions'-i.e. in the form of a separate enactment, or at least, an explicit amendment-for the purpose-upon the very face of the parent act-in the said-transport-law-to extend the 'jurisdiction'-or statutory authority-thereof, although, and that is to say, yes-or I should just apologize for, somewhat belatedly,

harping back - so to say, to just, add, one more opinion, with respect to, the substantive matters, such that, might appear to arise, herein, and that is, to allude to, well, my youth, of course, and all those years - thereof, with my riding - on this or that bicycle - around the place - or - mostly - the streets of the nearby town of Ayr* and the - country - roads - and the like - around it, and, well, additionally, my opinion then, to the effect that, no, good legislator, would want to be, lightly, seen to be, interfering with, the Everyman's - seemingly so god given - rights, to just - so freely - go out - for a ride - on their own respective - bicycles - i.e. if and when - or as they each would so please - down through the local streets - of their - own respective - hometowns - or on some road - or another - out in the countryside - or indeed anywhere - on - or in - or throughout - the road network - more generally speaking that is... oh, you know, and subject that is, to the usual 'expectations' - or common principles - of the law - e.g. not to unduly interfere with - the ordinary flow of - traffic - in such a way that might threaten life or limb - or cause a serious safety hazard - or the like - or maybe a breach - of some law or another etc.. ..

Anyhow, as to, as I have alluded to above - herein, how, things, may be - better - done, and, as I say - or said, of course, if, they should be, so done, at all, I don't see why, bike - or bicycle - and etc. - registrations, couldn't be, collected - on

* all, without even so much as, a pair of shoes - on, let alone a bike-helmet, I should add.

that is paid, at the relevant - or most appropriate - local authority, similarly, with respect to dog - or (now) pet - registrations, e.g. each - being then - linked to the respective rates notice - of the - bike - owner, which of course, would, necessarily, mean then that, itinerants, and other persons, with no formal lodgings, including e.g. tourists - or like people - for whatever reasons - staying at the free - stay - areas (e.g. in the 'old' Thuringowa City Council Local Government Area) - or what - have - you, would be - or would have to be - exempt, oh, but, that raises, all, sorts of matters, doesn't it, or, would appear to, for I, don't, mean, to imply that, such registrations, would be required to - or in any event be - at all - put towards any budgets to - meet the costs of bike - lanes - or bikeways - or the like - as part of the road network, for that, should remain, as it is, for now at least and that is, as, primarily, a responsibility of the State - and/or the federal level of government, to be jointly funded - at times, only with, the local government - contribution, coming out of, the general rates area - or charges - of the relevant local authority, whilst, the said registrations in new by - laws - yet to be proposed - let alone approved, would only be required, to meet the costs of the novel - bike - safety - rules of such by - laws, in relevant Local Government Areas... oh, but it's all getting - or looking, all, a bit too hard, isn't it, or, so it might seem, and it might just seem, 'lucky', or maybe, I could say, lo' and behold, for, in the overall context, of this, very submission, it would not, really be neces-

sary, for the committee, to go, too far, into such matters, and, but, well, I, for one, would be sure, or feel confident, that at all events, so long as, everyone concerned, participates, in all good faith, it may all be effectively, worked through, in the public interest, and that is, at the local level.

Now, needless to say then... oh... oh - no - wait, just a minute, for, look, well, just to clarify, I would say, that I take, the reference, in the, said, above, first mentioned article, to, 'public hearings', to mean that, indeed, it has been the, expressly noted intention, of the committee, to like, go out 'on circuit' - so to speak, and hold hearings - or - at all events conduct sittings - of the committee as a whole - or with its required quorum - at any rate, throughout the State - or at least in - some of - the more 'regional' areas, but I mean, like, I do not want, to be taken, to in any of this, to be like, insinuating, that, e.g. closed hearings - so 'out of the public eye' - so to speak - might be the regular way - that parliamentary committees do their business*, so, as I was going to say - above, and with the greatest of respect. of course, it would be my opinion then - i.e. in light of the submissions outlined above - herein, that, it would, not be necessary, for the committee, to go, to the expense - i.e. no doubt not so inconsiderable - in - and of - itself, of holding, such, 'Public Hearings', or that is, so, going out - on

* and - to the contrary - I would hold to the - seemingly only legitimate - expectation, that those would usually be open proceedings - unless e.g. a notification of a matter of National Security etc.

circuit - for same, and anyhow, or, moreover, it might be said that, no doubt - and that is if the anecdotal information about a seemingly so colloquially known 'turf'-war* - between avid cyclists and other - motorised - road users - is anything to go by, those, proposed hearings, to some extent, in any event, and that is, if not, even more pervasively, would seem, destined, to be peppered with, merely emotive and reactive 'submissions' - and/or outbursts, such that, themselves, might be deemed, simply frivolous - or frivolous and vexatious, and therefore, just a waste of the resources of the parliamentary process, and I, for one, certainly, would not want, to be seen, to be, encouraging, anything, of that sort, for, inter alia, that's, not, like, 'grieving', as such, in any meaningful way - that is that would be of any good use, but would appear, er, i.e. if it should come to pass at all, as, like, well, mere political grandstanding - or some sort of 'attention seeking behaviour' - or whatever - or what-have-you, as I say, in my own, humble opinion, that is.

Be that as it may, in any case then, with my own, local experience, in mind[†], I think, that I can, safely say, that, save and except, for the odd, boy, or girl, occasionally, seen riding around, on the very footpath, up the main street, of 'Queen Street' that is, which, I suspect, that you might find, is - or was

[†] for I was born in the town of Lyr, and - then - spent, about the first half of my youth here, and additionally, I have been living, only in, the Local Government Area of the Burdekin Shire Council, since - well before - one month prior to - March of 2004, and, I have been visiting - that - town - here - on foot - weekly, while I have been living here in the water-meadows of Plantation Creek - for about the last six and a half years.

* for I've spent a bit of time in Townsville too - in the (not so distant) past. ...

once - illegal - by by-law - no less, well, anyway, it does not, currently seem, that it would, appear to be the case, that there is any, great issue, or pressing need - to consider making any new laws, with respect to bicycle movements - on the roads - or in and around the road network, around these - here - parts, at all, I say, and so, with respect, I would, only be minded, to advise, the honourable members - of the committee, that there would, definitely seem to be, no need apparent, for the holding of hearings - of the committee - in this inquiry, within the lower Burdekin - delta - region

Oh, and, lo! and behold, for, just last Saturday, the 6th of July - 2013, yet another 'piece' - or an open letter - by some obscure - or nondescript - citizen - apparently of no particular calling - or noteworthy experience, appeared, in the said newspaper, and yes, i.e. 'everybody wants to just get in on the act' - or 'jump on the (proverbial) bandwagon' - or so it might seem, but anyhow, no less than - approximately - five hundred words, 'cycling around' - the proposed issues - somewhat, 'funnily' - or ironically - enough, oh, and that is, some wannabe pro-cyclist - or would-be politician perhaps, addressing 'ill-informed motorists' - or something to that effect, by harping back to, historical arguments for - and more recent criticisms of - certain infrastructure, and related political rhetoric - about proposed environmental - and human health - benefits etc.,

* 'unusual' as it might seem, i.e. whereas, I was once instructed to keep my own political opinions, down to '200 words - or less', by the very same 'establishment' (not to mention - shortly, then - so absolutely excluded 'merely' on the purportedly then proposed 'policy' of not printing letters of submitters who could not then give a fixed place of abode - or some business address - or the like)! ...

and that is, complete with, some sort of - seemingly so-fanciful hypothetical scenario - apparently designed to solicit - or banter to - those that might be prone to - emotive responses - or the like... and whilst, it draws to a close, with a focus on, a particular, apparently only temporary, 'issue' - or matter, of some local roadworks, as I say, ironically, it concludes, finally, by merely making, an ambient call, for 'all (to) stay alert (on the roads...in order to) make (things, safer for all road users'... well, anyway, or, anyhow, not much, in any - or all - of that, I dare say, eh?

So, finally, herein, or that is, to sum up, and just round out, upon this submission, herein, I would just like to, reiterate, the main points, and that is to say that, in my opinion, the State's role, would best be, to merely, provide, funding for, effective and meaningful public education campaigns - preferably reinforced from time to time - over time, whilst regulation (i.e. including for the matter of bicycle-registrations etc.), would be best left to, those, local authorities, of the more busy-metropolis-like-areas, i.e. to be effected (only after the required public participation - and otherwise in due course) under 'local laws' - or - like-by-laws, if, and where, necessary... and, or, moreover, a bit like, in the case of, 'fishing, on the Great Barrier Reef', there ought to be... well, like it is now, nothing, to stop an amateur-Australian citizen, from going, 'out there', to just, do a bit, and that is to say, like, 'Life, be in it!', and, live it well, the Aussie way, I

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mean, after all, or, for all we may know, now, er, and what with, the pending - so-called 'local government' - referendum, and international conventions - about the environment and ESD and such like* ... well, commonwealth-law - as a general rule - trumps - or that is overrides - State-law, you know⁺? ...

So, that would conclude, my submissions, herein, and, in closing off[†] then, I would, just like to say, that I would hope, that this submission, finds you - all, well, and in good spirits, and of course, wish the honourable members - of the committee, all the best, in your endeavours, in the course, of this very matter - of this inquiry - herein.

Yours faithfully

Bill Tait



The 9th day of July, 2013.

William "Bill (Billy)" Peter Tait (Public Interest Advocate Extraordinaire)

ps. that symbol above (like this "Ⓣ"), is my very own creation, and has practically become, a part of my signature - or own personal 'seal' - these days, so please, don't be too overly concerned - about that - I mean there is certainly nothing untoward - meant by it - or in any of that.

[†] although, of course, I do not purport, to be like, giving legal advice, to the committee, for I have, not been, formally admitted - to like just practise - as - or as if - a lawyer, myself, er, i.e. as I say or said already.

* and of course, what I would allude to, there, would be the head of power - in the commonwealth constitution - for the commonwealth to make laws pertaining to international affairs.



(note: this envelope contains, a submission,
to the Transport, Housing, and Local Government
committee, for its inquiry into cycling
issues - on - Queensland - roads.)

Australian Botanic Gardens
Brisbane Botanic Gardens, Mt Coot-tha

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