



22 March 2018

Deborah Jeffrey
Committee Secretary
Transport and Public Works Committee
Queensland Parliament
tpwc@parliament.qld.gov.au

Heavy Vehicle National Law and Other Legislation Amendment Bill 2018
Bicycle Queensland Submission to Transport and Public Works Committee

Dear Ms Jeffrey,

Thank you for inviting Bicycle Queensland to comment on the Heavy Vehicle National Law and Other Legislation Amendment Bill 2018. Bicycle Queensland supports the purpose of the Bill to improve road safety outcomes and reduce deaths and serious injuries on Queensland roads.

Bicycle Queensland is the pre-eminent voice for community cycling in Queensland. With about 18,000 members statewide and 32,000 supporters on our database, we exist to help Queenslanders cycle safely. We are dedicated to the promotion of bike riding as a driving force for individual health and well-being, and the empowerment of sustainable development. Over the past 40 years BQ has grown from a small collective of cycling enthusiasts to one of the largest and most influential community cycling organisations in Australia. We make this submission in respect not just of our members' interests, but out of concern for the wellbeing of all road users and the broader community.

Bicycle Queensland has considered the Amendment Bill in context of the evidence that vulnerable road users accounted for 38 per cent of the overall road toll in 2017, with 35 pedestrians and eight cyclists killed in road crashes last year. Alarming, about 75 per cent of Queensland drivers admit to using their mobile phones while driving, and 27 fatalities last year were caused by driver distraction.

Bicycle Queensland has also considered Queensland road crash data reported to the police, which shows that nearly 800 cyclists are injured on Queensland roads each year, resulting in hundreds of hospitalisations and injuries and costing the economy over \$220 million annually. Of serious concern, there was a 32 per cent year-on-year increase in the number of cyclists hospitalised after a road crash between January and July 2017, representing a 16.5 per cent increase on the five-year average and an overall increase of 57 more cyclists taken to hospital, from 178 hospitalised in 2016 to 235 hospitalised in 2017.

Road rules and vehicle regulations are key to road safety. As such, Bicycle Queensland submits the following recommendations for the Committee's consideration in context of the Heavy Vehicle National Law and Other Legislation Amendment Bill:

1. Active Consideration of Presumed Liability Laws

While Presumed Liability Laws do not fall within the scope of the Committee's current inquiry, Bicycle Queensland begs the Committee to consider and make comment on the urgent need for Presumed Liability Laws to protect vulnerable road users, based on the evidence that drivers are at fault in at least 80% of road crashes involving a cyclist and a motor vehicle.

Queensland's existing fault-based system favours the more powerful and not the most vulnerable – this needs to change. Presumed Liability Laws would reduce dangerous driving and end the current practice whereby motor vehicle insurance companies extort vulnerable road users by delaying settlements and payout for as long as possible, driving up costs for all parties. Bicycle Queensland's [position statement](#) on Presumed Liability Laws provides additional information and background for the Committee's information.

2. Introduction of a Heavy Vehicle Safety Rating System

Bicycle Queensland supports the intent of the Bill to create a positive due diligence obligation on the executive officers of companies operating heavy vehicles with regard to all safety-related offences. Bicycle Queensland also welcomes amendments requiring the National Heavy Vehicle Regulator to maintain a database of heavy vehicles in order to improve driver responsibility and road safety.

Bicycle Queensland would welcome the Committee's additional consideration of the urgent need for a Heavy Vehicle Safety Rating System and uniform national legislative amendments requiring heavy vehicles in Australia to comply with the world's best-practice standards set forth in the United Nations Economic Commission for Europe (UN-ECE) [Regulation R73](#) with regard to side under run protection. Regulation R73 is endorsed by the Australian Trucking Association and codified in a voluntary [Industry Technical Council Advisory Procedure](#) of the same name.

The aim of the Regulation is to stop vulnerable road users, such as pedestrians and cyclists, from falling under the sides of vehicles and dragging under the wheels. Bicycle Queensland draws the Committee's attention to the [Coronial Findings](#) into the death of 22-year-old Rebekka Meyer, who died tragically in 2014 when she was dragged under a tip-truck towing a dog trailer as she cycled to university along Stanley Street at South Brisbane. In handing down the findings, the Coroner noted the inherent danger of heavy vehicles operating in ordinary traffic with limited forward vision from the driver's position, recommending conventional heavy vehicles without appropriate warning technologies be prohibited. A range of cost-effective options are available to heavy vehicle manufacturers and operators to effectively mitigate blind spot risks, and should be mandatory under the law.

Furthermore, Bicycle Queensland strongly recommends mandatory monitoring of mobile phone use by heavy vehicle operators, with evidence of road crashes involving heavy vehicles in regional locations where truck drivers are known to drive back into mobile phone range. This risk must be actively addressed.

3. Tougher penalties, mandatory minimum disqualification periods, and imprisonment terms

Bicycle Queensland supports the aim of the Amendment Bill to improve road safety by prescribing the duties of drivers involved in crashes and increasing penalties for careless and dangerous driving offences. Bicycle Queensland especially appreciates the Queensland Government's acknowledgement that death and serious injuries on Queensland roads continue to cause significant devastation for individuals, families, and the community, with 240 fatalities in 2017.

Specifically in relation to the proposed increases to penalties outlined in the Amendment Bill, Bicycle Queensland recommends tougher mandatory minimum licence disqualifications and stronger action to ensure careless and dangerous drivers are not relicensed without appropriate written and practical testing. Bicycle Queensland further recommends the mandatory inclusion of safe interaction with cyclists and cycling infrastructure in Q-SAFE test routes across all of Queensland. The attached schedule outlines in detail Bicycle Queensland's suggested revisions to penalties, mandatory minimum licence disqualification periods, and imprisonment terms.

It is the strong view of Bicycle Queensland that the recommendations contained herein are essential to road safety in Queensland, offering the greatest hope for achieving the goal of zero deaths on our roads.

Thank you for considering our concerns.

Yours sincerely,



Anne Savage
Chief Executive Officer
Bicycle Queensland

| Offence | Current penalty | Proposed Penalty | Bicycle Queensland Recommendations |
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| Careless driving (section 83 of the <i>Transport Operations (Road Use Management) Act 1995</i> (TORUM Act)) Not causing GBH or death | <ul style="list-style-type: none"> Maximum 40 penalty units (\$5,046) or 6 months of imprisonment No mandatory disqualification | <ul style="list-style-type: none"> No change to penalty units No change to imprisonment term No change to disqualification New PIN of 4 penalty unit (\$504) | <ul style="list-style-type: none"> Driver must pass extensive written road rules test Driver reverts to P1 Licence 40 hours of community service |
| Careless driving (section 83 of the <i>Transport Operations (Road Use Management) Act 1995</i> (TORUM Act)) Causing GBH or death no circumstance of aggravation | <ul style="list-style-type: none"> Maximum 40 penalty units (\$5,046) or 6 months of imprisonment No mandatory disqualification | <ul style="list-style-type: none"> Increase maximum to 80 penalty units (\$10,092) or 1-year imprisonment Minimum 6-month driver licence disqualification (new) | <ul style="list-style-type: none"> Increase maximum to 120 penalty units (\$15,138) or 18 months of imprisonment Minimum 1-year disqualification 120 hours of community service Driver must pass extensive written road rules test and practical driving test to requalify Driver reverts to P1 Licence at relicensing point |
| Careless driving (section 83 of the <i>Transport Operations (Road Use Management) Act 1995</i> (TORUM Act)) Causing GBH or death with a Circumstances of aggravation (unlicensed, disqualified etc). | <ul style="list-style-type: none"> Maximum 40 penalty units (\$5,046) or 6 months of imprisonment (as the existing penalty for careless driving above). No specific penalty for offences involving circumstances of aggravation. | <ul style="list-style-type: none"> Increase maximum to 160 penalty units (\$20,184) or 2 years imprisonment Minimum 6-month driver licence disqualification (new) | <ul style="list-style-type: none"> Increase maximum to 200 penalty units (\$25,230) or 3 years of imprisonment Minimum 2.5-year disqualification 180 hours of community service Driver must pass extensive written road rules test and practical driving test to requalify Driver reverts to P1 Licence at relicensing point |
| Dangerous driving (section 328A Criminal Code) Not causing GBH or death and without circumstances of aggravation | <ul style="list-style-type: none"> Maximum 200 penalty units (\$25,230) or 3 years of imprisonment Minimum 6-month driver licence disqualification | <ul style="list-style-type: none"> No change to penalty units No change to imprisonment term No change to licence disqualification | <ul style="list-style-type: none"> No change to penalty units No change to imprisonment terms Minimum 1-year licence disqualification 80 hours of community service Driver must pass extensive written road rules test and practical driving test to requalify Driver reverts to P1 Licence at relicensing point |
| Dangerous driving (section 328A Criminal Code) With a circumstance of aggravation not causing GBH or Death | <ul style="list-style-type: none"> Maximum 400 penalty unit (\$50,460) or 5 years of imprisonment Minimum 6-month driver licence disqualification | <ul style="list-style-type: none"> No change to penalty units No change to imprisonment term No change to licence disqualification | <ul style="list-style-type: none"> No change to penalty units No change to imprisonment term Minimum 2-year disqualification 160 hours of community service Driver must pass extensive written road rules test and practical driving test to requalify Driver reverts to P1 Licence at relicensing point |

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| <p>Dangerous driving (section 328A Criminal Code) Causing GBH or death- no circumstance of aggravation</p> | <ul style="list-style-type: none"> • Maximum 10 years of imprisonment • Minimum 6-month driver licence disqualification | <ul style="list-style-type: none"> • No change to imprisonment term • Increase existing minimum driver licence disqualification to 1 year | <ul style="list-style-type: none"> • Maximum 12-year imprisonment term • Minimum 3-year disqualification • 200 hours of community service • Driver must pass extensive written road rules test and practical driving test to requalify • Driver reverts to P1 Licence at relicensing point |
| <p>Dangerous driving (section 328A Criminal Code) Causing GBH or death Circumstances of aggravation</p> | <ul style="list-style-type: none"> • Maximum 14 years of imprisonment • Minimum 6-month driver licence disqualification. | <ul style="list-style-type: none"> • No changes to imprisonment term • Increase existing minimum driver licence disqualification to 1 year | <ul style="list-style-type: none"> • Maximum 15 years imprisonment • Minimum 5-year disqualification • 240 hours of community service • Driver must pass extensive written road rules test and practical driving test to requalify • Driver reverts to P1 Licence at relicensing point |
| <p>Failing to stop at the scene of a road incident (section 92(1) TORUM Act)</p> | <ul style="list-style-type: none"> • Maximum 20 penalty units (\$2,523) or 1 year of imprisonment • No mandatory disqualification | <ul style="list-style-type: none"> • Increase maximum to 120 penalty units (\$15,138) or 3 years of imprisonment • Minimum 6-month driver licence disqualification (new) | <ul style="list-style-type: none"> • Increase maximum to 160 penalty units (\$20,184) or 3 years of imprisonment • Minimum 18-month disqualification • 120 hours of community service • Driver must pass extensive written road rules test and practical driving test to requalify • Driver reverts to P1 Licence at relicensing point |