

TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL 2023

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Mr Shane King
Chair, Transport and Resources Committee
Parliament House
George St QLD. 4000
trc@parliament.qld.gov.au

Dear Mr King

I refer to the Committee's consideration of the *Transport and Other Legislation Amendment Bill 2023*. I apologise for the lateness of this submission and ask that the views of our members nonetheless be considered.

Bicycle Queensland is the peak advocacy body for bicycle riders in Queensland. We represent more than 12,000 members across the state. We also provide insurance for e-scooter riders, meaning some of our members are scooter as well as bike riders.

We note from the explanatory notes to the Bill, that the proposed legislation will impose new obligations upon bike and scooter (or PMD) riders. Those new obligations are that under the *Transport Operations and Road Use Management Act 1995* –

- Provisions relating to the driving of vehicles (including bikes and scooters) without due care and attention will be extended to apply not just on roads (as is currently the case) but on bike paths and footpaths. Penalty for non-compliance is set at a maximum of 40 penalty units (currently \$6,192).
- Provisions requiring drivers and riders to stop and render assistance in the event of an accident will be extended to include bike and PMD riders on roads and footpaths.
- Provisions requiring riders to provide certain information including their name and address in the event of a crash will be extended to include PMD users.

We further note that while these provisions clearly extend the obligations of both bicycle and scooter (or other PMD) users, public commentary on the matter both through the government's own media release ([Next phase of e-scooter reforms announced](#)) and in consequent public reporting has focused almost exclusively on the changes applying to users of PMDs.

While we acknowledge a recent, highly unusual case of a fatal accident involving a pedestrian and a bike rider, it is generally the case that bike riding, including on bike paths and footpaths occurs extremely safely. It appears that bike riders have been "caught in the net" of the government's legitimate efforts, fuelled by community concern, to clarify the safety obligations of scooter and other PMD users on bike paths.

Noting that context, Bicycle Queensland makes three points –

First, we have no issue with the proposed changes which extend obligations to render assistance or provide details at the scene of an accident to bike and PMD riders. Our members are responsible people who would do the right thing in such circumstances.

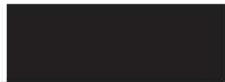
Second, noting that the definition of 'without due care' is subjective, we **strongly urge circumspection in police enforcement of due care and attention provisions in relation to cyclists on bike paths and shared paths.** While obviously we support the principle that bike riders should exercise due care and attention, we note that the need for these amendments has arisen since the introduction of e-scooters. Government is acting here to fix a scooter problem, not a cycling problem and we would hate to see an unintended consequence in which misguided or over-zealous policing serves to discourage bike riding.

Active transport (walking and cycling) provides myriad individual and social benefits – it is healthy, fun, cuts congestion and reduces carbon emissions. The policy levers of government should be directed towards getting more people riding more often, not inadvertently acting the other way.

Third, we **recommend that an appropriate public information campaign be undertaken** to advise bike riders and PMD riders of these new obligations. There has so far been limited public information about the changes, and that which has occurred could easily leave people under the misapprehension that the changes relate to scooters only. We believe that if government is going to make such changes, it should also take proper steps to ensure that people are appropriately informed.

We thank you for your consideration of these issues.

Yours sincerely



Andrew Demack
Director of Advocacy