

Economy and Infrastructure Legislation Committee
Road Safety Amendment, Car Doors Bill
2nd Hearing
23 May 2012



Amy Gillett FOUNDATION
Safe together



Tracey Gaudry, AGF Chief Executive Officer

Dr Marilyn Johnson, AGF Research Manager

Representing Amy Gillett Foundation, Cycling Australia, Cycling Victoria

Car Doors Bill 2012

- ARR 269 (3)

A person must not cause a hazard to any person or vehicle by opening a door of a vehicle, leaving a door of a vehicle open, or getting off, or out of, a vehicle.
Offence provision.

- ‘Dooring’ is the phrase coined for this offence





Car Doors Bill 2012

The Committee seeks input on whether it is appropriate to:

- increase the penalty from 3 penalty units to 10 penalty units; and
- attach demerit points to the offence of 'car dooring'.

- make 'car dooring' an offence under legislation rather than regulations; and
- change the process for enforcing 'car dooring' offences and have the matter dealt with by the Magistrates' Court.

AGF Recommendations

- As an offence under regulations:
 - increase the maximum court-imposed penalty from 3 penalty units to 10 penalty units; and
 - attach court-imposed penalty of 3 demerit points to the offence of ‘car dooring’
 - Increase the infringement penalty from 1 penalty unit to 3 penalty units
 - Attach two demerits point to the infringement penalty
- Retain ‘car dooring’ as an offence under regulations
- Behaviour change program introduced
 - Driver ‘looking’ and acting accordingly behaviour
 - Cyclist defensive riding behaviour encourage

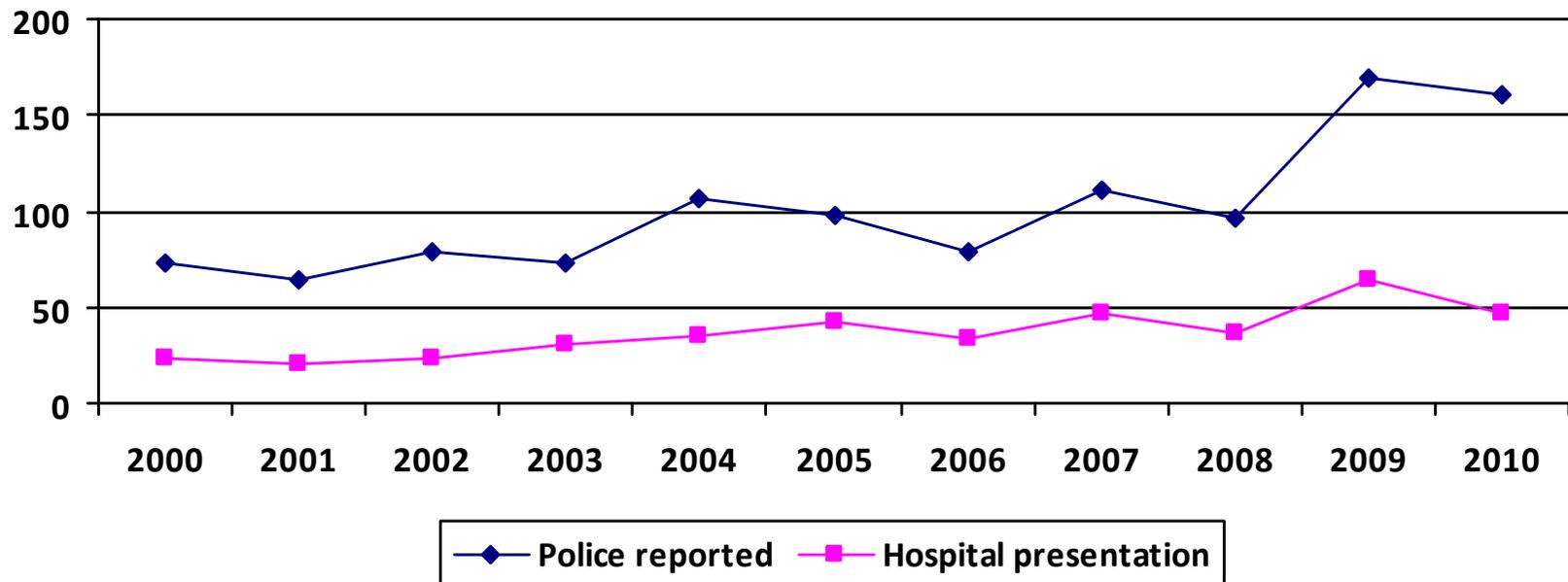
Premise for recommendation

Safe System

- Safe Roads (Infrastructure)
 - Infrastructure not the catch-all for bike safety / dooring
- Safe Speeds
- Safe Vehicles
 - Vehicle design to protect non-occupants e.g. Window tinting
- Safe Road Users (Behaviour)
 - Primary quadrant for the issue of dooring. Complete spectrum from awareness, education, skills/licensing, regulation, enforcement

Doorings

Victoria, 2000-2010



Offence under regulations – comparisons

	Dooring		No seat belt	
	Max. units	Demerit pts	Max. units	Demerit pts
Queensland	20	-	20	3
New South Wales	20	-	20	3-9
South Australia	1 (fine)	3	-	3-5
Victoria	3	-	10	3
Toronto	Fine	2		

Offence under regulations – comparisons

Comparison offences	Max. units	Demerit Pts
Bike riders – no bell	5	
Littering from vehicle (small, large litter)	1 : 2	
Drive without seatbelt / unrestrained passenger		3
Exceed speed limit by 10 km/h or more but less than 25 km/h		3
Fail to stop/remain stopped – children’s crossing		2.5
Fail to obey traffic lights		2.5
Turn or stop without signalling		2
Fail to remain stopped	-	3
Driving insufficient distance behind		1
Exceed speed limit by less than 10 km/h		1

Offence under regulations

- Rationalising argument against increasing Penalty Units:
 - Precedent in QLD, NSW, Tas
 - Other offences higher units where the impact of the offence has similar/less threat to safety of road users
- Rationalising argument against introduction of Demerit Points:
 - Precedent in SA
 - Precedent with passenger 'offence': wearing no seat belt (except if minor)
 - Driver is in charge of vehicle at all times, moving or stationary or parked
 - No different level of authority/control of driver over passengers than with seatbelts

Offence under regulations (detail recommendation)

- Maximum Penalty
 - Increase the maximum court-imposed penalty from 3 penalty units to 10 penalty units
 - Attach maximum court-imposed penalty of 3 demerit points to the offence of 'dooring'
- Infringements
 - Increase the infringement notice penalty from 1 penalty unit to 3 penalty units
 - Attach 2 demerit points to the infringement notice
- In principle, support that actual court-imposed penalty may take into account the offender taking part in road safety education e.g. road rules relating to dooring & vulnerable road users

Offence under regulations (detail recommendation)

- Issuance of infringement notice:
 - If offender is driver, the driver receives infringement
 - If offender is passenger and the passenger is an adult, the passenger receives infringement
 - If offender is passenger and the passenger is a minor, the driver receives the infringement
- Police discretion:
 - If offence does not result in crash/collision: police have full discretion
 - If offence results in crash/collision: no police discretion

Regulations vs Legislation (detail recommendation)

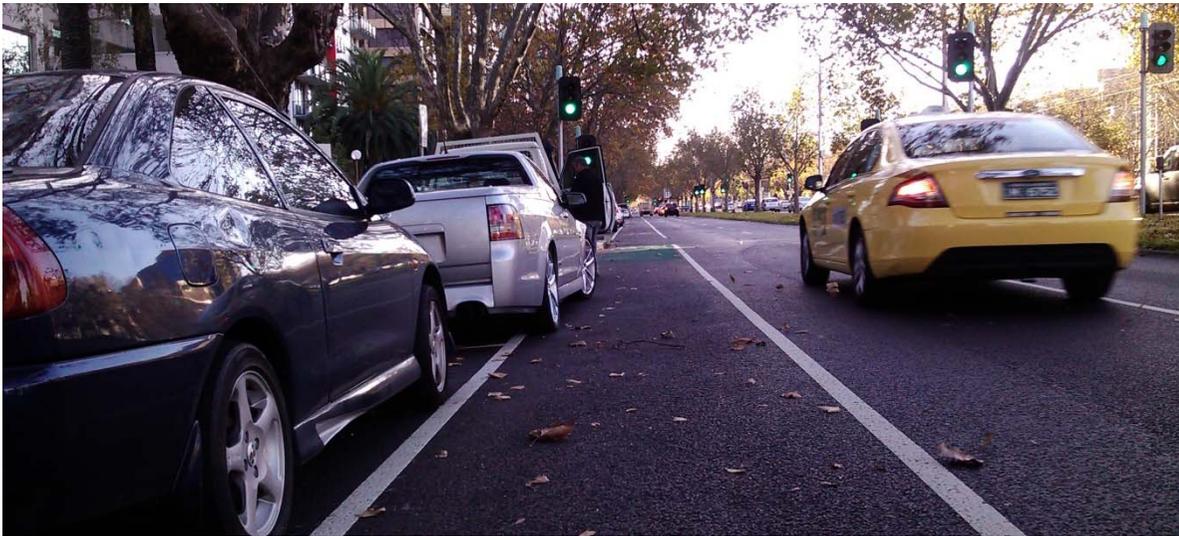
- 'Dooring' to remain an offence under regulations
 - Victorian Legislation seeks to maximise effectiveness in law enforcement via regulations
 - Victoria Police & Magistrates Court position is to maximise police capacity to enforce (c/w nil action, warning)
 - Maximise effectiveness of legal system in regards to manageable caseload
 - Other offences up to 10 penalty units are dealt with under regulations
 - Other offences with 3 demerit points are dealt with under regulations
 - Offender may also be charged under legislation via an appropriate offence category, particularly in case of reckless behaviour or intent

Behaviour Change (detail recommendation)

- Dooring awareness & safe behaviour campaign
 - Drivers/passengers: Check mirror, lead with left (right*) hand, look back, exit towards rear of vehicle
 - Bike riders: Defensive behaviour: looking for driver/rider behaviour indicators; ability to vary speed and riding distance from path of door
 - Driver cues: Registration Sticker (back of sticker) “Check for cyclists when alighting”; Mirror Sticker “Check for cyclists”
- Review, and increased enforcement of, ARR in relation to vulnerable road user safety
- Licence Testing
 - Mandatory bike-related questions in new driver testing
 - Driver trainer education regarding bike rider safety
 - Periodic driver licence re-testing

Other Options

- Infrastructure to separate bike riders
- Infrastructure to provide safer passage for bike riders e.g. wider bike lanes, bike priority streets
- Vehicle design to maximise safety on non-occupants



‘I would like
something that has
serious consequences
to be treated
seriously’

Linda Tivendale,
Mother of Andrew who was in a coma
for 55 days following a dooring crash





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