

Adrian Vlok



Mr Michael Baker
 Secretary Economy and Infrastructure Committee Parliament House,
 Spring Street East Melbourne Vic 3002

Inquiry into the Road Safety Road Rules 2009 (overtaking bicycles) Bill (Victoria) 2015

As an avid cyclist, owner of four motor vehicles, member of St Kilda Cycling Club (and former President) I fully support the Road Safety Road Rules 2009 (overtaking bicycles) Bill 2015. I struggle to contemplate a negative impact of this Bill, however the benefits are numerous:

- Recognizes that cyclists are physically vulnerable and need the protection of space
- Increased awareness that cyclists are legitimate road users
- Establishes a cyclist's right to space and potentially improves their interactions with motorists
- Increase the level of safety of cyclists by reducing the risk of them being hit or side-swiped
- Clarifies the ambiguity in current legislation where overtaking is specified as at a 'safe distance' or the driver is to take 'due care'
- Can be used as an educational tool to increase safe practices through the use of billboards, bumper stickers, posters and cycling jerseys
- Enforceable if a law enforcement officer or witness observes a driver's behaviour
- The combination of education and legislation to assist in crystallising cycling safety in the minds of motorists
- Assist in positively changing attitudes and culture Victoria and potentially Australia wide
- Aids vulnerable road users by addressing a risk factor (passing too closely) that is largely out of the control of the cyclist themselves
- Works in combination with other measures that place an onus on the cyclist to take responsibility (such as wearing bicycle lights).

I also would like to raise my strongest objection to the frankly weird submission lodged by Bicycle Network (1 April 2016, attached), and assert their submission does not represent its members. Bicycle Network's submission is not credible and should be given no weight. For several reasons I would encourage you to return it and suggest they give more thoughtful consideration to the Bill.

1. On one hand Bicycle Network argues minimum overtaking distances don't work; they haven't reduced death and injury in places where they have been introduced or led to an increase in cycling participation. They then go onto to say that complimentary education and awareness programs are ineffective and wasteful. On the other hand and in a backhand slap they accept riders (their members) irrationally 'feel' safer, therefore they:
 - Support the Bill; except its OK for a driver to squeeze past a rider below 50kmh (no deaths have presumably occurred at this speed) and take up the bike lane if they want to – if both the driver and rider can work out what is a real bike lane and one that looks like a bike lane.
 - Support the introduction of a behaviour program they regard as wasteful.
 - Support pre and post research studies to confirm what they cleverly already know - "*There is no strong evidence to provide that minimum overtaking distance will be transformative for rider safety*".

2. Bicycle Network repeatedly claim *'the evidence is inconclusive'* a totally bizarre statement when a few sentences on they say they say there is no evidence - *"There is no research available specifically addressing the impact of minimum overtaking distances on bike rider deaths and injury"* (para 1, page 5). Undaunted they cherry pick inappropriate 'evidence' and continue to use the expression 'inconclusive' in a misleading and deceptive way that implies the research (which they admit doesn't exist) does not demonstrate minimum passing distances have any benefit. Twisting the truth further the executive summary says, *"as there is no strong evidence against or in favour of the impact of the law"*.

The honest, impartial and objective thing would be to say that there has been no studies undertaken and therefore we don't know whether minimum overtaking distances work or not, however given the potential upside and lack of any measurable economic impact of this legislative change the adult, responsible and pre-cautionary thing would be to support the Bill (without a trial) and highlight generously (rather than begrudgingly) the need to undertake specific work on death/injury, attitudes and behaviour change.

Most disappointingly the false and misleading 'evidence' in their submission unnecessarily maligns the Amy Gillett Foundation (pg.5) and creates a divisive wedge with an organisation they should be supporting.

3. It is a self-evident that any legislative change does not in itself miraculously gift people knowledge, common sense, respect and transform attitudes, beliefs and most importantly behaviours. In other words only a naïve organisation would believe that legislative change in isolation would result in a reduction in injury and death. As the Queensland Parliamentary Review into cycling said:

"In order for any MOD legislation to be effective, there must be appropriate education about the law and broader cycling issues, particularly education aimed at humanising cyclists in the eyes of all road users. On the other hand, in order for the education about cycling issues to be effective there must be the legislation to enforce it and 'crystallise' the issue in the minds of all individuals. An effective way to achieve this is to prescribe a penalty that reflects the seriousness of the offence and sends a message to all road users that the government is willing to give support to measures aimed at reducing the number of fatalities and serious injuries on our roads in relation to cyclists."

And what do the geniuses at Bicycle Network say: *"Research shows that mass education/awareness campaigns are not an effective way at creating behavioural change (McKenzie-Mohr 2011)."* Well one wonders why Bicycle Network runs education/awareness campaigns itself, accepts money to deliver campaigns and the sea of contrary evidence (e.g. across the environment, health, work place safety, domestic violence, multiculturalism areas) which demonstrate that education/awareness programs do lead to changes in attitudes, cultural norms and behaviours.

Bicycle Network's position is so disappointing given the leadership role they could play. Again Queensland Parliamentary Review touches on the type of organisation Bicycle Network could be *"Significantly, the laws that were deemed to have the greatest impact were those that had the support of multiple advocacy groups and government education campaigns."*

4. Section 3.2 of the Bicycle Network submission explores whether the Bill will result in drivers giving riders more space or not. The first study in Baltimore is not even relevant – it did not measure passing distance pre and post introduction of legislation. Never fear Bicycle Network uses the 'inconclusive' word again to deceptively imply that legislation had not effect in Baltimore.

It gets worse, a lot worse. In the same section Bicycle Network moves onto a series of robust pre and post studies done by the Amy Gillett Foundation, which shows that in the opinion of riders, drivers gave them increased space. Bicycle Network regards these studies as *"not strong evidence"* because an opinion based on observed evidence (normally admissible in court) is invalidated as a *"belief"* (like the tooth fairy) as opposed to the *"actual"* passing distance. The

sub-text is people are stupid and can't observe how close a vehicle passes them with any reliability.

As a side note: I am 50, I have ridden thousands of kilometres each year most of my adult life. I have lived and travelled all around the world, almost always with my bike. I am never surprised by the big differences in passing distances, respect and courtesy displayed by drivers from different countries – positively so in places where most people have a bike and regularly commute on roads.

5. Section 3.3 is just plain bizarre. Bicycle Network has for years been arguing and providing evidence that riders and prospective riders who feel safer on the road will (and want to) ride and ride more often, that is participation increases. The Amy Gillett Foundation studies (Section 3.3) and the evidence Bicycle Network provides in Section 4 shows that people do feel safer with minimum overtaking distance legislation. Using Bicycle Network's own evidence and logic it follows that the Bill is likely to lead riders and prospective riders feeling safer and riding more often. Bicycle Network now argues black is indeed white – the evidence about minimum passing distance legislation increasing participation is "*inconclusive*". Again Bicycle Network deceptively uses the word 'inconclusive' to mean it actually CONCLUDES the Bill will not increase participation.

Finally I would like to finish with the evidence given by Mr. Ben Stanley to Queensland Parliamentary Committee into Cycling, the precursor to minimum overtaking distance legislation in that State. His introductory words reflected some current attitudes towards cyclists and underpin the significance of the interaction of legislative intervention and cultural change.

"I am a son, a brother, a husband and a father of two, but to some motorists when I am riding my bicycle all they see is 'another cyclist'. I do everything I can to be safe on the road. These are my two children. I do not want this picture in the Courier-Mail titled 'The children of killed cyclist Ben Stanley'. There have been too many times in my past where the difference between life and death has been a matter of a few centimetres, yet apparently no law has been broken.

According to Daniel Meers of the Gold Coast Bulletin last year, 'The time has come to declare war on cyclists.' From the Channel 7 Facebook page after their story about this inquiry, I quote a small sample of posts. Chris Evans: 'I try to hit them with my mirror, then pull up and say, 'Got a problem, mate? Ha, ha, ha.' Ian Didd: 'I like to see how close I can get to cyclists when I'm overtaking them.' Joseph Newya: 'If I have to move to overtake a cyclist who is too far right, I get pissed. It will not hurt me if I run one over.' Phillip McCracken Roberts: 'Let them ride on the road. They provide great amusement when I see how close I can get, especially when you clip them with the wing mirror.' Tina Swinson: 'They should just not be on the road. They are idiots and blame the poor driver for hitting them. Harley Rose: 'I would love to play bowling on the road. Use the cyclists as pins and the car as the bowling ball. Get in my way and a strike is what I'm going to get.'

Two messages to a fellow cyclist who made a submission to this inquiry included some swearing and then: 'Me and a few mates can rape that out of you. Get off the road.' And 'You'd be worth the month I'd get in prison.' Finally, according to Derryn Hinch on Channel 7 on Sunday night, the father of these two children is a cockroach on wheels."

Yours truly,
Adrian Vlok

cc. Premier Daniel Andrews
Cycling Victoria
Cycling Australia
Amy Gillett Foundation
Bicycle Network Victoria