



Public Health Association of Australia (Victorian Branch) submission to the Inquiry into Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015

About us

Public Health Association of Australia (PHAA) - Victorian Branch

The Public Health Association of Australia (PHAA) is a national organization comprising around 1900 individual members and representing over 40 professional groups. Core to our work is an evidence base drawn from a wide range of members working in public health practice, research, administration and related fields that volunteer their time to inform policy, support advocacy and assist in capacity building within the sector. The PHAA (Victorian Branch) has 500 members and works with the National Office to provide policy advice, organise seminars and mentor public health professionals.

This submission

We welcome an opportunity to make a submission to the Economy and Infrastructure Standing Committee Inquiry into the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015. We also note that the Inquiry will pay particular attention to an evaluation of a minimum passing distance rule for motorists when overtaking cyclists, in terms of:

1. The outcomes and experience of implementing similar laws in other Australian states and territories, such as Queensland, the Australian Capital Territory and Tasmania.
2. The educational campaign that would be required to effectively implement the Bill in Victoria.
3. The enforcement policies and strategies that would be required to implement the Bill in Victoria.

The PHAA (Victorian Branch) strongly recommend the amendment of current legislation to outline a minimum safe passing distance of 1 metre at 60kmph or less and 1.5 meters for speeds over 60kmph. We also provide more detailed information for each of the terms of reference below and summarise our specific recommendations at the conclusion of the submission. This submission is aligned with the PHAA policies on 'Physical Activity'¹ and 'Low emissions and active transport'².

¹ PHAA, 2014. Physical Activity Policy. Accessed via <https://www.phaa.net.au/documents/item/265>

² PHAA, 2014, Low Emissions & Active Transport Policy. Accessed via <https://www.phaa.net.au/documents/item/263>



The outcomes and experience of implementing similar laws in other Australian states and territories, such as Queensland, the Australian Capital Territory and Tasmania.

The PHAA (Victorian Branch) make the following points:

In February 2014, no Australian jurisdiction had minimum overtaking distance on trial or mandated. As of March 2016, five jurisdictions have it, or an equivalent, in place. Below we provide information on experiences in a number of the jurisdictions, including Queensland, South Australia and the Australian Capital Territory.

Queensland

The Queensland government commissioned an evaluation of the trial of the minimum overtaking distance laws. This evaluation is believed to be the most comprehensive that has been undertaken on the minimum overtaking distance, however it is important to note that this evaluation only commenced after the trial had started, which has been acknowledged as a major limitation. This evaluation has not yet been made available to the public.

The Amy Gillett Foundation, in light of a delay to the formal evaluation, completed three waves of community attitudes research (Nov 2014, May 2015, Nov 2015). Key findings from these surveys include:

- Over two thirds of Queenslanders agreed with the legislation
- 67% agreed the amended road rules made bicycle riders feel safer
- 70% agreed that good communication and education were essential for the legislation to work
- 60% of cyclists noticed an increase in the space drivers gave them after the trial started³

South Australia

The minimum overtaking road rules were amended in October 2015 in South Australia. This was in response to a recommendation from a Citizens Jury report, *Sharing the roads safely*. A Bike SA survey found that over half (55%) of South Australian bicycle riders said drivers were respecting the amended rules⁴.

³ Crosby & Textor, 2015. Public opinion research into the Queensland Government's trial of the minimum overtaking distance legislation commissioned by the Amy Gillet Foundation.



The changes to the minimum overtaking road rules were implemented without trial; however the Amy Gillett Foundation commissioned research to understand community attitudes towards the changes. Key outcomes from this research with 400 South Australians include:

- 65% agreed with the minimum overtaking distance rule.
- 64% agreed the amendments would make cyclists feel safer.
- 80% said the main reason for their support for the amendments was the need for cyclists to be protected in order to make them feel safer⁵.

Australian Capital Territory

As reported by the Amy Gillett Foundation⁴, The ACT government commissioned community attitudes research in September 2015, prior to the minimum overtaking distance trial on 1 November 2015. Key results from the survey of 407 residents in the ACT included:

- 88% supported minimum overtaking distance changes.
- Respondents believed minimum distances like these would likely save lives and prevent a lot of unnecessary accidents (open ended response)⁴.

The experiences from other states are promising; however they also highlight the importance of a formal and thorough evaluation of legislation changes. We would therefore encourage the Victorian Government, in implementing legislation changes, to commit to a comprehensive evaluation, including the collection of pre-implementation and pre-trial data.

The educational campaign that would be required to effectively implement the Bill in Victoria

The PHAA (Victorian Branch) make the following points:

Successful implementation of changes in legislation must be supported by effective education and awareness campaigns and enforcement strategies. All five Australian jurisdictions that have adopted the minimum overtaking distance (or equivalent) legislation amendments have accompanied the implementation with awareness and education campaigns.

⁴ Amy Gillett Foundation, 2016. A Metre Matters: AGF position, rationale, evidence. Accessed via <http://www.amygillett.org.au/wp-content/uploads/2016/03/A-metre-matters-rationale.pdf>

⁵ Crosby & Textor, 2015. South Australian community attitudes towards bicycle riders and the minimum overtaking distance: benchmark research.



PHAA (Victorian Branch recommends that specific educational activities to support the implementation of this legislation include:

- Licensing of motorists and road user handbooks – including consideration of making failure to correctly identify (in a theory test) or failure to leave (in a practical test) correct passing distance in a driver’s license test as an error resulting in an instant fail.
- Awareness of penalties.
- Public campaigns and public service announcements – including making these messages a part of ongoing campaigns.
- Permanent roadside signage⁴.

The enforcement policies and strategies that would be required to implement the Bill in Victoria

The PHAA (Victorian Branch) make the following points:

We recognise that implementing such laws without provisions for enforcement is not an efficient or effective use of resources.

We support the enforcement policies and strategies proposed by the Amy Gillett Foundation, including:

- Consistency between jurisdictions in terms of the legislation, including considerations of ‘distance’ and ‘language’.
- Increased training for the police force on bicycle safety, ‘bicycle-related laws’ and their enforcement.
- “Implementation of a penalty, regardless of whether a crash occurs, demonstrates that the behaviour is the focus, rather than punishment ‘after the crime’”⁴.

Summary of PHAA (Victorian Branch) recommendations

We make the following specific recommendations with regards to the Inquiry:

- We strongly recommend the amendment of current legislation to outline a minimum safe passing distance of 1 metre at 60kmph or less and 1.5 meters for speeds over 60kmph.
- In implementing this amended legislation we call for the Victorian Government to undertake a comprehensive evaluation of the changes, including collecting data pre- and post-introduction.



- We support specific education measures to support the implementation of the changes, including:
 - licensing of motorists and road user handbooks
 - awareness of penalties
 - public campaigns and public service announcements
 - permanent roadside signage
- We support enforcement suggestions, recognising that successful behaviour change is a combination of legislation, effective education and enforcement strategies.

The PHAA (Victorian Branch) appreciates the opportunity to make this submission. We look forward to the outcomes of the Inquiry.



Brian Vandenberg
Branch President
PHAA (Victorian Branch)

10 April 2016