

From: office@greens.org.au on behalf of Tim Connors via Australian Greens
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Sent: Wednesday, 9 March 2016 11:44 PM
To: LCLC
Subject: Submission to Inquiry into the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015

This e-mail has been sent on behalf of Dr Tim Connors, at [REDACTED] They can be contacted by phone a [REDACTED] or by e-mail at [REDACTED] The content of their submission is below.

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I support safe passing distance laws for cars and trucks overtaking bicycles, so we can all share the road safely.

In relation to item 1 of the terms of reference, note that some states allow vehicles to pass on the other side of double white lines, so long as it is safe to do so, in order to pass a cyclist. This is desirable because the double white lines are usually painted with the assumption that a vehicle is traveling near the speed limit. At slower speeds and in built up areas, it is often obviously safe to overtake even when double white lines indicate otherwise. Allowing a driver to overtake in such circumstances encourages them to otherwise not perform risky maneuvers that may be technically more legal absent this proposed law change. Passing entirely in another lane (only when visibility allows) is also much safer than passing too close within a lane.

In relation to item 2, education must include of police all the way up the management chain. We have heard many cases of police in other states since the law change, ignoring a cyclist's claim even when presented with video evidence. If police continue to ignore cyclists, we run the risk of cyclists taking the law into their own hands.

In relation to item 3, and looking beyond just the trials in other Australian states, an effective enforcement strategy would include the assumption of strict liability, in which a motorist is automatically assumed to be at fault in a collision with a vulnerable road user, unless they can prove otherwise. This should be self evident because in all but the most unusual of cases, the only way a car can hit a cyclist from behind or to the side is if they violated safe overtaking laws. Such strict liability laws operate with great effectiveness in many European countries such as The Netherlands.