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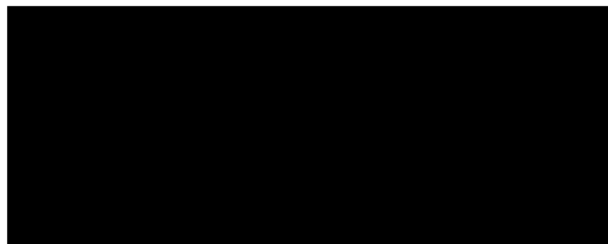
The Secretary
Economy and Infrastructure Committee
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

Wednesday, March 2, 2016

Dear Sir,

Herewith I enclose a submission to the Economy and Infrastructure Standing Committee of the Victorian Parliament for its consideration.

Yours faithfully



David Levin Q.C.

A handwritten signature in black ink, appearing as a long, sweeping stroke that starts under the name and extends to the right.

Submission to the Economy and Infrastructure Standing Committee of the Victorian Parliament pursuant to its invitation to do so in relation to its enquiry into and evaluation of a minimum passing distance rule for motorists when overtaking cyclists.

I am a cyclist aged 65 years. I have had many years cycling, as a commuter and for pleasure activities. I established the Victorian Bench and Bar Bicycle User Group *Wigs on Wheels* over a decade ago, which has well in excess of 100 members from the Bar, judiciary and supporting legal infrastructure personnel. I was also a Board member of Bicycle Victoria (now Bicycle Network) from 2006-11.

In my personal opinion there is no obvious benefit in prescribing a minimum distance between cyclists and overtaking vehicles if such a regulation would mandate the outer limit of any such distance.

The present regulation is Reg 144 of the Road Safety Road Rules 2009. This provides:

Keeping a safe distance when overtaking

A driver overtaking a vehicle—

- (a) must pass the vehicle at a sufficient distance to avoid a collision with the vehicle or obstructing the path of the vehicle; and*
- (b) must not return to the marked lane or line of traffic where the vehicle is travelling until the driver is a sufficient distance past the vehicle to avoid a collision with the vehicle or obstructing the path of the vehicle.*

In this context 'vehicle' includes a bicycle: see Reg 15(1)(b)

There are many instances where vehicles driven at a relatively high speed (when compared with the bicycle) cause unprotected cyclists real danger even though they pass at a distance exceeding 1 metre outside the cyclist. A cyclist may still be affected by the wind generated, surprised by the sudden noise and shocked by the lack of warning of the vehicle approaching from behind.

If the Committee does find evidence of measureable benefits revealed in accident statistics from a mandated distance, then I would respectfully suggest that any such distance be an additional inclusion into the legislation and not a replacement for regulation 144.

Thus an amended regulation (taking the Queensland legislation for the mandated distance as the model) might read:

Keeping a safe distance when overtaking

A driver overtaking a vehicle—

- (a) must pass the vehicle at a sufficient distance to avoid a collision with the vehicle or obstructing the path of the vehicle; and*
- (b) must not return to the marked lane or line of traffic where the vehicle is travelling until the driver is a sufficient distance past the vehicle to avoid a collision with the vehicle or obstructing the path of the vehicle;*
and in any event
- (c) must stay wider of cyclists by giving a minimum of*
 - 1m when passing a cyclist in a 60km/h or less speed zone; or*
 - 1.5m where the speed limit is over 60km/h.*