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TRANSPORT, HOUSING AND LOCAL GOVERNMENT COMMITTEE

Members present:

Mr HWT Hobbs MP (Chair)
Mr JB Grant MP
Mr DJ Grimwade MP
Mr CJ Judge MP
Mr A Shorten MP
Mr JR Woodforth MP

Staff present:

Ms K McGuckin (Research Director)
Ms D Cooper (Principal Research Officer)
Ms R Stacey (Principal Research Officer)
Ms K Longworth (Principal Research Officer)

PUBLIC HEARING—INQUIRY INTO CYCLING ISSUES

TRANSCRIPT OF PROCEEDINGS

TUESDAY, 27 AUGUST 2013

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Committee met at 11.05 am

CHAIR: Good morning all. I call this public hearing of the Transport, Housing and Local Government Committee to order. Thank you for your interest and your attendance here today. My name is Howard Hobbs, the member for Warrego and chair of the committee. Desley Scott, the member for Woodridge and deputy chair, is an apology today. Other committee members are: Mr John Grant, the member for Springwood; Mr Darren Grimwade, the member for Morayfield; Mr Carl Judge, the member for Yeerongpilly; Mr Anthony Shorten, the member for Algester; and Mr Jason Woodforth, the member for Nudgee.

Today's public hearing is to assist us with our inquiry into cycling issues. The committee is to investigate and report on a range of issues to improve the interaction of cyclists and other road users, including existing and alternate road rules, current penalties and sanctions, and the potential benefits and impacts of bicycle registration. The committee has advised the public of the inquiry by writing directly to stakeholders, as well as by advertising on the parliamentary website. Witnesses at today's public hearing will appear in the order outlined in the public hearing program.

This hearing is a formal proceeding of parliament and is subject to the Legislative Assembly's standing rules and orders. The committee will not require evidence to be given under oath, but I remind witnesses that intentionally misleading the committee is a serious offence. You have previously been provided with a copy of instructions to witnesses, so we will take those as read. Hansard will record the hearings and witnesses will be provided with a transcript. Therefore, I ask you to please identify yourself when you first speak and to speak clearly and at a reasonable pace.

I remind all those attending the hearing today that these proceedings are similar to the parliament to the extent that the public cannot participate in the proceedings. In this regard, I remind members of the public that under standing orders the public may be admitted to or excluded from the briefings at the discretion of the committee. Before we commence, I ask that mobile phones be turned off or switched to silent mode.

Before I call the first witness, I would like to thank all the individuals who and organisations that took time to make submissions to this inquiry. I will invite each witness to make a brief opening statement and will then open it up to the committee to ask questions. I now call our first witness, Mr Peter Duffy, senior sustainable transport planner from the Sunshine Coast Council.

DUFFY, Mr Peter, Senior Sustainable Transport Planner, Sunshine Coast Council

CHAIR: Thank you, Mr Duffy. Would you like to lead off and perhaps give us an insight into what you and the council think we should be doing with cycling laws in this state?

Mr Duffy: Thank you, Mr Chairman and committee members. I represent the Sunshine Coast Council. The council submission to the inquiry focuses on aspects of safety, education and the development of infrastructure and how that impacts on our community. The submission is guided by the Sunshine Coast Active Transport Plan 2011-2031, which was adopted in February 2011 and is the strategic framework for council's commitment to cycling. Regarding trends in bicycle injuries and fatalities, cycling is growing rapidly on the Sunshine Coast. There has been an average of 64 per cent growth in cycling across the Sunshine Coast in the past two years. To put that another way, with the current growth, trips made by cycling will have doubled in the three years since 2011. Around one in five Sunshine Coast residents rides a bicycle in a typical week, increasing to 27 per cent of residents in a month and 40 per cent over a year. The proportion of people who ride on the Sunshine Coast in a typical week is similar to regional Queensland and Queensland overall. However, the proportion of people who ride on the Sunshine Coast in a month and in a year is significantly higher.

Overall, there is a pressing need to provide a safe environment to support the people who are cycling and to provide for the growth that is happening here now. A best-practice approach to safety can be thought of in terms of engineering, education and enforcement. Council's submission focused primarily on engineering and education. The term 'engineering' means creating a safe environment for cyclists by providing safe infrastructure. Safe infrastructure requires continued

funding to match the increasing levels of cycling. There will be more deaths and injuries unless there is better provision for cyclists, so we should not be asking how can we possibly afford to provide cycling infrastructure; rather, we should be asking how can we not afford to provide cycling infrastructure.

A continuing commitment is needed by the state to provide the planning, the advisory and the funding capacity for the delivery of cycling infrastructure, both in the state owned and managed transport corridors and through grants to local government. Council would also like to see the state adopt a user hierarchy that considers pedestrians and cyclists first. The vulnerability of cyclists requires that their needs be considered very early in any management or design decision. It is actually pleasing to see that the recent Australian Department of Infrastructure and Transport ministerial statement titled *Walking, Riding and Access to Public Transport* has included this concept of a user hierarchy, because too often the motor vehicle is given priority to the detriment of cyclists and pedestrians. This culture is changing and the Transport and Main Roads cycling policy has helped in that regard. However, more can and should be done by all involved, including council.

Separated cycleways are one of the potential answers for providing safe, lower conflict infrastructure to encourage and protect these growing numbers of cyclists. This is a way to address the needs of the estimated 60 per cent of the community who are interested in cycling, but are concerned about their ability to do so safely. Council supports the state development of good practice guidelines, standards and specific traffic regulations to support the use of physically separated cycleways. For instance, clear standards are required on providing priority for cyclists at intersecting minor streets.

Regarding the evaluation of existing and any other alternate road rules, council believes that education is a key component of creating a safer environment for all roadway and pathway users. There is a real lack of knowledge of road rules and acceptable standards of behaviour by all community members, and it seems that education is the area where efforts should be focused to produce improvements for all users. What is required is a quality education campaign that positions cycling as a legitimate and important part of our transport system. As part of a travel behaviour change program, council's own Share With Care campaign has attempted to fill this gap by including an explanation of road rules, cycle signage and markings, behaviour standards, advice on safe riding, and encourages an attitude of tolerance and civility. I would like to table some of the printed information for members' reference.

CHAIR: Is leave granted? Leave is granted.

Mr Duffy: There has also been an effort to address specific behaviours in group riders, which have also raised concerns. Council believes that there needs to be both environmental and behavioural research into the existing culture and behaviour being experienced between cyclists and drivers, so that we understand what actually needs to be addressed and how best to change those attitudes.

Regarding the one-metre rule: part of council's Share With Care campaign has been the promotion of 'a metre matters' message, in conjunction with the national campaign by the Amy Gillett Foundation. The message that a metre matters has been spread through multiple media, including print, on the rear windows of council vehicles, buses, at public events and other media. Examples of these were included in the Amy Gillett Foundation submission. There are some good photos in there, especially of the back of council vehicles. The council believes that a safe operating space is imperative for increasing numbers of on-road cyclists. How this is best achieved is less certain and education and regulation options need to be evaluated and any effective method used.

Although no view is taken by council on the issue of compulsory helmets, there are impacts on council resulting from the requirement, in particular, the limitations that this law may have on cycle tourism, which has the potential for a significant contribution to the economic development of the Sunshine Coast. In particular, council would support the investigation of a potential trial of removing compulsory helmet wearing for cyclists on pathways away from any potential conflicts with vehicles.

How road rules apply to roundabouts is rarely understood by users, yet we seem to accept this as a fact while the likelihood and severity of crashes for cyclists in these intersections continues. There needs to be consistent standards applied in roundabout design and a concerted campaign of education of how road rules apply to all users.

Keeping left and overtaking: again, a lack of understand of how road rules apply can easily lead to resentment and aggressive behaviour. An example of this is the legitimate practice of cyclists passing stationary vehicles indicating left turns at intersections. Council would support the

removal of the requirement for cyclists to dismount to cross at pedestrian crossings and foot crossings at signalised intersections in recognition of what is actually happening and returning some priority to cyclists. However, there needs to be clarification of the legal position and the protection afforded to cyclists in these situations, for instance, the ability of cyclists to progress from on-road cycling to crossing as an off-road cyclist and continue on as an on-road cyclist. The idea of requiring cyclists to stop before crossing has merit. However, I would note that people who cycle have a general dislike of stopping.

Regarding vehicle parking in bicycle lanes, the ability for vehicles to legally park in these lanes is a strange case of wanting to have your cake and eat it too. A bicycle lane should be either a lane dedicated to moving bicycles or an area dedicated to parking vehicles. It cannot be both safely. Council supports prohibiting vehicles from parking in bicycle lanes. This change needs to be clearly communicated to our community.

Council offered no comment regarding the current penalties and sanctions. However, regarding bicycle registration, council saw registration as not providing any worthwhile community outcomes, while creating additional regulation and costs without demonstrated benefit. Registration is most often heard as an argument by those who oppose cycling on roads. It is time to put this distraction from the real issues to rest. A clear decision is required from the state rejecting registration. This decision then needs to be clearly communicated to the community with reasons and repeated whenever bicycle registration is raised. This will return the discussion back to the real issues and the improvements that we need to be focusing on. Thank you.

CHAIR: Thank you, Mr Duffy. I commend you and your council for your Share With Care campaign. Obviously that has been a very positive one for the community. You made some recommendations in relation to pedestrian crossings, roundabouts and particularly the one-metre rule. Has there been much negativity towards that sort of suggestion from your community? If those obvious changes happened, would there be objections from the community?

Mr Duffy: I am not aware of any specific objections. It is not necessarily a hot topic at the moment. I think it is more a case of a lack of knowledge. From my perspective, it seems that a lot of the conflict eventuates because of a misunderstanding of how rules apply. It is not so much a misinterpretation; it is just a general lack of knowledge of road rules.

CHAIR: That is interesting. With the one-metre rule, do you think that it needs to be flexible: one metre for a slower speed and two metres for faster speed areas? Have you put any thought into that?

Mr Duffy: I suppose in general council did not reach a conclusion on that. What we were recommending is that those sorts of issues be investigated. That is why I was saying, basically, whatever is found to be effective or the best opportunity to make an effective change is the one that we would like to see adopted. The discussion that has been going on in terms of the separation requirements and how that relates to vehicle speed is obviously relevant because those sorts of standards flow through Austroads in terms of the width of cycle lanes and the width of shoulders for growing speed environments.

CHAIR: What about if, for instance, we made recommendations to keep cars from parking in bikeways, how much grief would that cause the council in relation to parking?

Mr Duffy: An enormous amount of grief. This is probably the most contentious area that we face in terms of trying to provide bicycle facilities. As part of the bus tour this afternoon we will certainly be looking at some of those examples, but it is very much that conflict of interest between a parked vehicle, which is often seen as a right or as an essential component of a business venture and the profitability of businesses with on-street parking, versus the needs and the safety requirements of a totally different set of users, which is the cyclists. What council I think needs to be better at addressing is how the viability of the cycle can positively impact on the economic viability of the businesses that adjoin that type of facility. It is something that I do not think has been addressed well to date. There are some studies that have shown that cycling has a very positive economic benefit for the community, but it is not something that is understood or appreciated, I think, in our community at least.

Mr GRIMWADE: Touching on that further and the one-metre rule that you were talking about before, and you have done the 'a metre matters' campaign on the back of buses and through campaigns and functions and those sorts of things. Do you have any statistics or data on the education campaign that suggests that it is changing culture or changing attitude or anything like that?

Mr Duffy: I suppose the only data we have is that in a cycling participation survey, we looked at an attitudinal survey this year for the first time. There was a recognition that cycling conditions on the coast had improved in the past 12 months. Being able to pinpoint whether that is through education, whether that is through improved infrastructure or whether that is just because of increasing numbers or new people participating is very difficult to tell. I suppose we are hoping that the behaviour change programs and this type of education program is contributing to that positive effect.

Mr SHORTEN: Do you know what council's budget is in relation to the infrastructure build for this year, off the top of your head?

Mr Duffy: I would not be entirely certain, but it is in the order of \$6 million. That is including the larger strategic pathways and on-road program, but also the local pathways. In some ways it is a moving target in that that figure does not include cycling/pedestrian facilities that would be rolled out as part of other transport projects. Where road widening, et cetera, is undertaken, under our strategy now cycling and pedestrian facilities are an essential component. They are always included in that type of project.

Mr SHORTEN: I guess that feeds into my next question: how does council make its recommendations on where cycle paths should be constructed? Is it a case that you go out and see where cyclists are currently cycling and you put one in or do you get recommendations from your councillors or from the public? How do councils make those decisions on where they spend their money?

Mr Duffy: There is a fairly multifaceted way of evaluating it. The main part, I suppose, comes from network planning in terms of where regional district and local facilities are seen to be required. That then goes through a process of prioritising those links and there is a fairly standard council privatisation method that adds criteria and weighting against particular potential projects. Demand is certainly one of those. Social benefits—there is a number of criteria that are rated for each project. Beyond that, there is also still input from users, community consultation. Council actually has a cycling reference group, which is a group that is set up for two-way communication through the cycling community, the Department of Transport and Main Roads is represented, council, bicycle groups such as Bicycle Queensland are represented in this group. It is used for feedback, too, on what are the prime candidates for funding.

Mr WOODFORTH: Mr Duffy, just two questions: what are the main purposes for cycling up here? Why do people jump on a bike?

Mr Duffy: The Sunshine Coast is a little different from Brisbane but probably similar to the Gold Coast in that currently the main purpose is recreation, including sport cycling. That is where the majority of the growth has been. I am talking about 64 per cent across the coast in the past two years. Commuter cycling is present, but not as strong, and is not growing as quickly. Our latest data shows about a 10 per cent growth in two years. If you were getting that sort of growth in any other transport market, I think you would be either very impressed or very worried about providing the facilities to match that growth. Certainly that is something that, as a council, we are looking to the future to provide more for. I think as the coast does grow and becomes more congested with the increasing development of facilities like the Maroochydore Priority Development Area—again, which we will look at this afternoon—the demand for commuter utility trips to that type of development centre will commence to grow on the coast.

Mr WOODFORTH: One other question in regards to helmet laws: you said on separated pathways you would be very comfortable possibly looking at that. What happens when someone has to cross a road to get to a separated pathway? We mentioned not having to dismount. Do we have two rules there? I am all for no helmets, don't get me wrong, especially for recreation, but what are your thoughts on that?

Mr Duffy: That is the real difficulty, definitely. The reason that I think that council raised the issue of the removal requirement for helmets in those sorts of areas is because that is something that has come through community consultation, not only in the development of the Active Transport Plan, but also in the development of our new planning scheme. It is something that has been raised on a number of occasions in different forums. The council submission, I suppose, is more reflecting that desire by some members of the community to at least investigate the possibility of being able to ride without a helmet in a safer environment, away from vehicles. Council actually has not formed an opinion as to whether that is desirable or not. It is more that our submission is reflecting the fact that there is some public desire for that to be investigated, at least.

Mr GRANT: Thank you very much for your time this morning, Mr Duffy. Talking engineered solutions, have you an opinion on the concept of taking out barrier curbs and putting in rollover curbs to allow vehicles to park part on to what is now the footpath reserve so that a full bicycle width on-road lines can be marked?

Mr Duffy: Can I clarify the question: to park the vehicle with wheels on the verge?

Mr GRANT: On the footpath.

Mr Duffy: I suppose what we would look at in that situation is widening the curb or providing indented parking bays. There is potential for a mountable curb to sneak some space in the road in terms that vehicles tend to park closer to those types of curbs rather than barrier curbs, but that is primarily, I think, the advantage council would see in using the mountable curbs in road reserves.

Mr GRANT: am I interpreting it correctly that you would be open to discuss that that concept of an engineered solution with council?

Mr Duffy: In terms of physically parking vehicles on verges?

Mr GRANT: Changing the curb to a rollover curb to accommodate a full-width bicycle lane on the road?

Mr Duffy: It was something that was raised in the Active Transport Plan. To date, there has not been a lot of support within council for actually doing that. Partly that may be because of issues of encouraging vehicles to park on verges in road reserves and the issues that that can cause: vehicles parking across pathways or vehicles parking where there is no pathway and obstructing the footpath.

Mr GRANT: Would you prefer simply to widen the road?

Mr Duffy: That is a very expensive option, definitely. That is why I think it very much depends on the situation. There are opportunities and, again, an example we may be able to look at this afternoon where indented parking bays would probably be the option that would be first looked at, to actually physically move the vehicle out of the carriageway.

Mr JUDGE: How have you found your dealings with council in terms of the Department of Transport and Main Roads and state government on cycling safety issues? Has it been easy for you to liaise and influence cycle safety in your area or is it a difficult process?

Mr Duffy: Certainly it is an improving process. I think in part it has been the cycling reference group that has helped that actually happen, by not only bringing council together with the Department of Transport and Main Roads in that type of forum but also bringing in user groups, local lobbyists and just people who have enthusiasm for cycling. In some ways, it has allowed local issues to get focus and often the solutions are very much local solutions, depending on what the problems are. That type of forum certainly has helped. I think the Transport and Main Roads scheme of having cycling champions in the regions has worked. It depends a bit on the particular person, as these things can do. But I think we have had some great cycling champions who have engaged with other people in Transport and Main Roads and taken opportunities when road work programs and other investigations are underway to actually improve conditions and safety on transport and main road corridors.

Mr JUDGE: In relation to the longer term, what structure and what relationships would you see as being beneficial to recognising cycling as an increasing activity, whether it is work, recreation or other forms of transport people are using cycles for? What sort of structure do you think would be beneficial in the long-term that would enable councils to liaise and network effectively with TMR and also the state government on an ongoing basis?

Mr Duffy: I would suggest something similar to what we have had with the cycling reference group. It just provides regularity. At the moment we are meeting bimonthly, but of course there is contact within that time as well. It just creates that forum and that environment where communication is a lot easier and it is easier to get things looked at and addressed, rather than just having to try to find the right person in a very large department. I would certainly be suggesting that other councils look at that type of activity. Transport and Main Roads has been very supportive of the process and, hopefully, that will continue.

CHAIR: Thank you very much for that, Mr Duffy. It was very informative. Time is marching on, so I now call Ms Pru Oswin and Mr Paul Gallagher.

GALLAGHER, Mr Paul, Private Capacity

OSWIN, Ms Pru, Private Capacity

CHAIR: Thank you for coming in. Thank you for the submissions that you have made. We appreciate that. Ms Oswin, would you like to lead off?

Ms Oswin: My background is as an experienced commuter cyclist. I have been a commuter for 15 years. I was also a triathlete for a number of years and so have done a lot of sport cycling and riding in the bunches. Recently I became a mother and so now I am one of the people with a little baby on the front pedalling around. Thanks very much for inviting us here today. It is really positive to hear that this inquiry is being conducted.

My first point is that local governments, state governments and federal governments all seem to want to have more people riding bicycles for a whole lot of reasons: to reduce congestion, to increase diversity in the transport network and to improve health. There are so many reasons why it is positive and I do not think anyone disputes this. Then we have to look at what are the barriers for cycling? We know that cycling is actually a pleasurable activity that everybody reports positively on when they have had that wonderful experience and then there is its safety. I think a really good figure to quote is one that was established in a national survey done by the Cycling Promotion Fund and National Heart Foundation 2011, which found that more than 62 per cent of Australians want to be able to ride a bike for transport but they cannot because of safety fears. So we have 62 per cent of the population—this enormous proportion of the population—who are out there and willing to get on a bike and have all these positive outcomes, but it is the safety that is holding them back. Certainly from my own personal background, I can confirm this. As an experienced rider, I used to have the whole network at my fingertips. There were some roads I still could not go on. But with really good awareness and cycling skills I felt confident going a lot of places. Now with my little one-year-old on my bike, it is just a fraction of that network where it is safe enough to actually ride on the bike, and that is just because of awareness and driver attitudes. This will vary depending on where you are. The way that we establish our road rules to protect cyclists is really important in this regard.

It is clear from these statistics that more people would take the opportunity to choose cycling as a mode of transport if the safety issues were addressed, but to tackle these issues we have to consider the very different attributes of a person making a trip by bicycle compared to a person using a motor vehicle. Sometimes when we look at this debate we say there are cyclists and there are car drivers; there are these two sides and everybody is equal, but there is no equality out there on the roads. There is a person riding a bicycle and there is a four-wheel drive with a bullbar. There is absolutely no chance in terms of who is going to come out of that discussion on top. I think there is a very urgent need to provide lawful protection to the physically vulnerable bicycle riders who are out there on the roads.

I also think we need to realise that every time a person is making a trip by bicycle instead of using a car they are taking away some risks that would otherwise be generated. The momentum from these crashes that cyclists are involved in is all driven primarily from the motor car. A vehicle has weight and velocity and that is where the risk is. Every time we get a car off the road we are actually taking away some of that risk. Every time a person chooses to ride a bicycle, they are actually accepting the risk because they are the one who is going to come out of that last.

I will make a couple of points in terms of the specific matters of the inquiry. I think infringements for motorists should be much higher than infringements for cyclists. It is just about risk in my mind. If you pose a major risk to society by running a red light, you should experience a much higher fine. I do not think there is any data to suggest that the cyclists out there are causing a risk to society at large. So any ideas of increasing the fines that cyclists pay I do not think is justified.

I think all efforts need to be made to protect cyclists by law from the physical threats of motor vehicles and I think the one-metre rule is a very good place to start. It is something that people can conceptualise, even in a high-speed environment. You prefer more than one metre in a high-speed environment, but making it one metre is simple and everybody knows that is what they need to do.

I do not see any benefit in registering bicycles. We want to get people on bikes as young as they can. What do we do? Register a three-year-old on a bicycle? I think it restricts those people, and listening to the data that people presented, a lot of people just ride once a year. So are they going to go out and register their bikes for that once-a-year or once-a-month ride? It is going to be another thing that keeps people off bikes and we want people to be on bikes. I do not believe that road safety and crash data offer any evidence for increased regulation of bicycles.

There is one issue that I think we need to look at. I think we have a real issue of prejudice in our society against cyclists. I can honestly say that the only time when random strangers have shouted out verbal abuse, when they have threatened my life, when they have harassed me—the only times this has ever happened has been when I have been a cyclist on the road. I am no longer treated as a human being. When I lived in Gladstone for a few years I think the same person who would open the door for me as I am going into a restaurant would be there with a bullbar and physically threatening my safety by not giving me an appropriate amount of space just because they were irritated that I was there. I think this prejudice comes from the fact that we have such a car dominated transport system. I think it is something that we need to educate ourselves against. We know that diversity in transport mode will make our transport networks work more efficiently, but we need to send out that message to the community that this diversity, these cyclists, are making the roads run better. There needs to be education and it needs to tackle prejudice, which is a pretty big thing.

Just as a closing thought, I was riding home on my bike one night and was narrowly missed again by someone turning left quite quickly in front of me. It is something that as a cyclist you are always highly aware of: the mistakes of other drivers. It is just part of riding a bike. You do not get angry about it all the time, but you make sure that you compensate for their mistakes. I was thinking to myself if even people like me, who are so passionate and enthusiastic about riding my bike to get around, feel scared and like I am a second-class citizen when I am out there, how on earth are we going to get the majority making this choice? I think we need to make our road rules and our education support this travel mode.

Mr Gallagher: Thank you for letting me speak today. My name is Paul Gallagher. I am here as an individual and a member of the community. I am a longstanding cyclist—that would be sport and family as well. I am geared to a number of different cycling groups across the Sunshine Coast. That ranges from sports groups right down to social rides across a broad range of ages and experience. I have cycled in a lot of different cities in a lot of countries around the world. This particular part of the world is the one that I feel most fear in. I have experienced a lot of verbal abuse and physical threats from being a cyclist. I consider myself to be quite experienced and confident, but I have learnt to accept these issues, these instances, on the road. It is something that, as I go out for a ride each day, I go with an expectation that something may happen and so does my wife. I do not think that is a reasonable state to be in for us to go out and to get engaged in cycling.

I made a submission, but I wanted to broaden beyond what I have given to you in terms of information. I come from the perspective that I wonder about the data that we have for short- and long-term trends in terms of fatalities and injuries. I will be really capturing the data in the most appropriate way. I have given the example that I have just learnt to accept instances. Because I accept them, I do not report them. I ride almost every day—commute, road bike et cetera. I accept these things happen, just another instance.

If you want to try to collect data and really interpret trends, I would recommend the community looks at some sort of social media outlet or a smart phone app that would enable the user, whether that be a teenager or an older person on an expensive road bike to simply pick up that phone and record that something has happened. There are many social media apps out there right now which are giving us real time, up-to-the-minute data like we have never had before. We are currently relying on data which is out of date, which is based on the census et cetera. That is old-fashioned now. I did pick up—and you may want to accept this bit of evidence—an app that is currently available on iTunes. It is based by a New York lawyer; he is a cyclist himself. He has developed this app called Bike Crash Kit and it is an app which has certain functions. So if you are involved in an accident you simply switch on this app and record what has happened to you.

CHAIR: Do you wish to table that?

Mr Gallagher: Yes, please.

CHAIR: Is leave granted? Leave is granted.

Mr Gallagher: This is obviously an American based app. It is not to say we have not examples here in Queensland which we can draw on which are very simple. If anyone has heard of FixVegas or Snap Send Solve, these are apps designed to allow the community to engage with the local government. So it is simply a photographic app which has a drop-down menu in order to record the process. It is a very simple process. I can certainly provide information on that as well.

Most people do carry mobile phones and GPSs these days. If you look at the likes of the Strava app, for example, it is phenomenal the amount of data it is collecting on exactly how many people are riding in any one location on any particular day.

With regards to the one-metre rule, I think there are pros and cons to imposing a fixed distance. That is because it has to be judged on a case-by-case basis. Different people use different spaces and roads for different types of activity: cycling et cetera. I would not take my children on some of the roads on the Sunshine Coast. Even if they had a green lane, I still would not do it. Whatever distance we provide, it has to respond to the context and the environment. What is apparent to me is that our road structures too long have been designed to accommodate the motor vehicle. It is all about getting from A to B as quickly as possible. Some drivers do not want to give way; they do not want to slow down. I get in their way. What that does—and this I think has evolved into bad etiquette and a culture on the roads. This really surprised me. I came from living in the UK where I cycled every day to work, recreational et cetera and never experienced any issues. But that etiquette is not just about cyclists and cars and trucks; it is also between cars and trucks. I give the example to people that, if I am in the supermarket and I am reversing out of a space, how many cars does it take passing me before one lets me out? Maybe eight or nine before I eventually get out of the space. There is a general lack of etiquette on the roads. The thing with the one-metre rule, which I think is very good, is if you legislate a distance it gives a right to space. Right now no-one understands that cyclists need space. However, if we put it into law they start to recognise that you must accommodate this other road user. It is not a cyclist; it is another road user.

I also say that the one-metre rule would be supported with some sort of presumed liability of the larger vehicle versus the cyclist. If we are going to enact some legislation about a distance, we must enact some legislation about liability. It is too easy for the small minority of people who abuse, who drive too close to think that they will get away with it. They do not see the damage, the disability or risk to life from coming too close. So reinforce the separation distance with some sense of presumption of liability by that larger vehicle.

In relation to current penalties and sanctions, I think the penalties and sanctions should be a proportion of response to the vehicle type. A friend of mine was cycling not far from here on his way home. When a car door opened, that car door punctured the bottom of his throat. He was very lucky in this case; it missed his palette. He was hospitalised. He was off his bike for quite some time. The startling fact in the story is that the motorist was fined approximately \$100. The fine was attributed because he opened his door into traffic, not because he opened his door into a cyclist. I give you the example if that was a door opened into another car, that motorist probably would have lost his door, had further damage to his car and still get fined that fine. But in this case he hit a cyclist. He probably could have killed the guy and he only got charged \$100. For me it is disproportionate to the attraction between the two vehicles. A cyclist will always come off worse. There is probably then a need to investigate some sort of separate system for fining motor vehicles which specifically reflects the potential for property damage, disability or fatality.

In relation to the benefits and impacts of bicycle registration, I agree; I do not think bicycle registration will work. Practically speaking, how will it work? We know that for cars licence plating, policing et cetera is fine, but when it comes to bicycles it is very difficult. I do see an advantage in registration in terms of data collection. We have figures in terms of cycling, but they are based on old data, census, something counting on the road. However, some sort of voluntary, non-fee paying registration may enable us to better understand the quantum of people riding on the roads and footpaths. But you do not want to make this a bureaucratic process.

I talked earlier about a social media app. Kids engage with social media apps as do parents. One in seven people are on Facebook. There is a lot of attraction in this medium. If we tie in bicycle registration to an app in some way that makes it fun and easy to engage, it allows us then to record that information more effectively. It is also another barrier. I do not know who would go to register their bike at the local office or online. In some way I would like to strongly recommend the committee research social media and smart phone app technology as a way to record incidents, to use it as a way to educate and increase awareness and perhaps as a way to capture more data on exactly how many people are riding bikes.

I think the legislative safe distance is a good way to establish space on the roads. There should be recognition of presumed liability when a larger vehicle is involved in an incident with a cyclist and increased penalties for that larger vehicle because it will endanger the life of the cyclist. The cyclist will always come off worse. Let's not forget that cycling makes a significant contribution to reducing pollution and improving public health.

CHAIR: I have a couple of questions. You said you have cycled around the world. What are the best places in the world to cycle and the safest and the reasons? While you think about that, I will ask Ms Oswin, you talked about protecting cyclists by law. Let's drill down into that. What you are really saying is that the law should be based on the fact of risk. A vehicle, because it is bigger, should have more responsibility, have a bigger fine compared to a cyclist. Is that the line you are coming from or are there other ways you can explain that to us?

Ms Oswin: Yes, there are a couple of ways. I have heard examples of people being fined for using their mobile phone on a bicycle and the fine was the same as if they were in a motor vehicle. I think this is ludicrous. The risk that you generate to society by using a mobile phone on a bicycle is so different to what it is in a car that we should not be looking at the same fines. I do not know what the fines in Queensland are at the moment—I think this was in Victoria—there used to be much lower fines for bicycles. I think we need to preserve it as a low-impact and affordable form of transport. If you make a mistake, such as riding through a red light, the fine should be smaller than if you made that same mistake in a motor vehicle where you have a higher risk to society.

Paul touched on presuming the liability should go with a larger vehicle. I think that is an important way forward in terms of protecting vulnerable road users like cyclists. It might be a further step than the 'a metre matters' but I think that is where we should be going in the future. We should be saying the presumption is that if there is an accident between a cyclist and a motor car that the fault is with the motor car rather than the cyclist until it is proven otherwise. That then sends a very clear message out to society that we need to protect people riding bicycles from your motor vehicles because it is those motor vehicles that are causing the massive injuries to the cyclists and the very severe injuries.

CHAIR: You also said that 62 per cent more people want to ride a bike and they are concerned because of the safety.

Ms Oswin: Yes, but they will not for safety reasons.

CHAIR: And they are concerned because of safety. We are also hearing that a larger percentage of people will want to ride a bike if they have the freedom of not having to wear a helmet. That is if they want to go down to the shop, for instance, not necessarily the road. We are talking about low impact areas. Do you think that more people would ride if they did not have to wear a helmet?

Ms Oswin: I think so. I do not have data on that like I do for the other one. I have looked into crashes with cyclists and a high proportion of crashes happens when somebody leaves a footpath to cross a road and then go back onto the footpath. There is also a very significant risk if you are on a footpath and driveways of cyclists being hit there. The only place where I would feel safe without a helmet—and it is wonderful; you see it down here all the time—is on the coastal pathway, and that is an environment where you are not crossing roads.

CHAIR: Mr Gallagher, where in the world is the best place to cycle?

Mr Gallagher: I truly believe the Sunshine Coast. It comes from experience. We have the most perfect weather here, predominantly dry conditions, beautiful hinterland that can be accessed very quickly, lots of access to parks. So if you want to take your children on the back of a bike, you can do that. I have cycled for many years in Scotland when it was minus temperatures and rain, snow and hail—and a lot of people would—through heavy traffic, through what would be presumed to be quite dangerous conditions, yet for some reason the Sunshine Coast has a level of aggression on it and fear that is not anywhere else. I think it comes down to a lack of understanding. So the culture and people's respect to each other on the roads is not the same as it may be in a big city.

CHAIR: My question more relates to the rules. Which country has the best and safest rules—not so much the climate. We know the Sunshine Coast is great.

Mr Gallagher: I have cycled in Holland and Holland is phenomenal, but I think that is probably linked to the different taxation system they have there. It is very expensive to own a car. So the bike wins out. It is a socially acceptable form of transport. The road rules are set up to assist that as well. If you are talking about simple road rules, anywhere—a lot of places in Europe, hands down.

CHAIR: Far better than Australia?

Mr Gallagher: Unfortunately, yes. In terms of the road rules, we are categorised as a motor vehicle but in reality we are not seen as that. So we lose out on both fronts. We lose out in terms of legislation and we lose out in terms of practicalities on the road in terms of how other road users see us.

CHAIR: So when crossing pedestrian crossings and so forth in Europe do you have to walk your bike to go across?

Mr Gallagher: In my experience, no; we just we ride on. We obviously wait for the lights. There is no separation. I am pretty sure I have seen here different traffic pedestrian lights to indicate bicycle and pedestrian. Over there, everyone simply flows together.

CHAIR: Roundabouts? What happens at roundabouts?

Mr Gallagher: We have a lot of roundabouts, especially in the UK.

CHAIR: Do they work better over there than they do here?

Mr Gallagher: Remember that roundabouts are more intrinsic to the way people use the road over there. We have a lot more of them. So we are quite familiar with what to do at roundabouts, so people give way. Maybe it comes back to the broader etiquette, the culture of driving. In the UK people wave each other on; they give time to let someone come out. The example of trying to merge on a motorway in Queensland took me a long time to get used to. I would slow down let someone merge in, but for some reason here people do not do that; they do not want to move to let you in. They will just keep driving. 'I am in this vehicle, this bubble,' and that is the way they operate. The same can be applied at a roundabout. Until we get people broadly used to how they operate on the road and to be more respectful of each other—I am thinking it is beyond just cycling. It is the truck driver verses the car verses the bus. Everyone needs to cooperate. I could not put my finger on one particular road user having the worst etiquette because it is a small minority across a range of users. I have a friend who is a bus driver and a cyclist. He is incredible, but I have had near misses with buses on the coast as well.

Mr WOODFORTH: I have a question to both of you. I am a cyclist. I have cycled up here, I have cycled in triathlons, I cycle most weekends down in Brisbane. So I am on your side; we are trying to make it safer. I am concerned to hear that you would want a different fining ability for cyclists verses cars. Let me give you a scenario. I always say that if you are going to dream up an accident, make it a good one. If a cyclist is on his phone, happens to go through a red light or stop sign, does not really notice it and the car that is coming through on the green quite rightfully has not seen the cyclist because it is in the pillar—that pillar is a very important thing. At the last minute the car notices the cyclist, swerves, hits a power pole and dies. What do we do with the cyclist? Does he just get a \$50 fine because he was on a mobile phone at the time? I think it is dangerous ground. At the end of the day I am hoping that I open my car door up onto a car and not a cyclist. I am not trying to open it up onto either. I am just wondering where your thinking is at there.

Ms Oswin: I think that, statistically, that is not the likely outcome. We look at pedestrians differently. The same could be said for a jaywalker who is jaywalking and somebody swerves to miss them and runs into something else as well. This is relying on the person in the car making a decision to save someone else's life rather than their own. I think there are no statistics to support that.

Whenever a cyclist hits a pedestrian in Australia, which has happened a couple of times, it goes right around Australia. Looking at the number of accidents, going through crash records trying to see when a motor vehicle driver was injured when a cyclist caused the action, I think you will find it is a tiny fraction—something like one per cent.

Mr WOODFORTH: Every life counts, and that is what you are talking about. So you have just discounted that life. You are saying that it is okay for cyclists to do things that take their attention off the road. Whether or not it is a cyclist you do not know what is going to come from it. That is why we have the laws in cars. I just think it is dangerous ground.

Mr Gallagher: The example you have just given is one that I experienced as a cyclist verses a motor car. You have a distracted vehicle user coming through a red light, I am coming legally up that road and I see this happening and I swerve to avoid it. This has happened to me on a bicycle. I am the person who has nearly died by going off the edge of the road potentially crossing a traffic lane. The example you have given is a very good one, but it is what currently exists for the motor car verses the cyclist in that what if I died and that motorist just drove on? I am at the side of the road. That is the expectation I have when I leave the house at 5 am to go for a bike ride crossing some very busy roads. It is the situation right now.

Mr WOODFORTH: Just one other point, what I am hearing a lot is that there are all these roads which are dangerous to go on. As a father of two, I would take my son 15 years ago in the little back carry thing. I would mark out the route I would go. My wife would say, 'Which way are you going?' I would say, 'We're going to go here, here and here.' When he got old enough and he was

actually following me, we did most of it on the footpath. We mapped out the track from over at Boondall, all the way through to Bald Hills if you happen to know Brisbane. It was a good 20-kilometre journey for a nine-year-old. We mapped it out. In this day and age we have to understand that roads are getting busier. We just have to start preplanning our journey rather than just thinking we can go down any single road. I still do that today. When we cycle, we think about where we are going.

Mr Gallagher: That is it.

CHAIR: Thank you very much. We appreciate the effort you have put into this and the questions you have responded to. I now call on Mr Peter Duffy and Mr Nigel Walker.

Proof

DUFFY, Mr Peter, Private Capacity

WALKER, Mr Nigel, Private Capacity

CHAIR: Thank you, gentlemen. It is good to see you here again, Mr Duffy. Mr Walker, would you like to lead off?

Mr Walker: Yes that is fine, thank you. Basically, I have been cycling for over 20 years. I have a varied career in cycling. I was the CEO with Cycling Queensland and we looked after the sporting aspects. I was also a board director with Cycling Australia and Mountain Biking Australia for quite a number of years. In my current professional life, I put cycle infrastructure on the ground. I will say that now. My submission will be made, though, from a personal perspective. However, I would like to touch on the submission that I made and also expand it a little as well. I have spent half my working life providing for cyclists, both from the very elite right through to the basics of someone wanting to go down to the shop to get a loaf of bread and milk. In all of those aspects, providing for sporting events and for the general public, it really comes down to the same thing, the same needs of the cyclist, which is that safe physical space to ride. Really, that is the nuts and bolts of it.

The submission that I made, I suppose, I made in the hope that really something drastic is going to change in Queensland. Hearing from Paul and from Pru, I can confer with what they have said. I have been cycling on the Sunshine Coast since 20004 and I was in Brisbane before that. I now live in the Noosa Heads area. The Noosa Heads area was a place that you would never ride a bike. It was a very unsafe area. It was a no-go zone. However, since 2004 we have changed that environment. I would like to think we have changed it for the better through the provision of a whole integrated network of on-road cycle lanes and off-road pathways. However, there is still one thing that I have not been able to control and that is the attitude or the behaviour of both sides to some extent, which is the cyclists and the motorists. Every day, as Paul said, you leave your house knowing you are relying on your own skill and judgement when you are out there on the road network. But your worst fear is the thing you cannot control, which is really a vehicle coming up behind you and striking you from behind. You are really hoping that the person driving that vehicle behind you, one, is in a good mood; two, is not on drugs or alcohol; is paying attention; and is going to give you the space that you need to operate your bike. I suppose with those two things, there are certain things that you cannot control. We try our best to provide the facilities to allow that safe interaction, which is the wider shoulders, the on-road bike lanes and other options.

Noosa has over 100 roundabouts, it has probably about 113, so we have really fine tuned the art of how do you get cyclists and pedestrians through those very dangerous intersections. They are great for cars. If you talk to cyclists, they actually like them as well to a point, but more your skilled sport cyclists, because they can get from A to B just like a car: very, very fast. They do not like to stop at lights, just like a car driver, because pretty much everyone who rides a bike also drives a car. It is interesting that when you talk to cyclists, they do not mind getting from A to B just as fast as someone else.

My submission covered a whole range of areas, but the key interventions really come down to improved landuse planning. We still seem to be producing what I call the very bland cookie-cutter development that does not provide adequately for on- and off-road cycle movement and even for pedestrians. It is my job to check the development applications that come through. Often you see there is a real lack of understanding about how we adequately provide for and protect the most vulnerable road user, which is an interconnected network of off-road pathways and crossing points, as well as the on-road cycle network. It seems that we are not producing estates—and there are some good examples in Queensland, but I would say the vast majority are not very good. We are still not getting it right. On improved road design that prioritises cyclists, I still think we have a long way to go, certainly in Queensland, for doing that. We have made some great inroads and some great improvements from what was here when I came up in 2004, but I still believe there is a lot more to do.

Improved legislation and enforcement for the most vulnerable road user: in terms of the one-metre rule, I do believe it is a good starting point. As I said, my worst fear is that someone will strike me from behind. It is not a nice feeling, if you have ever been on a bike, getting caught in the vortex of a truck and pushed into its wheels. You only have gravel to go into. There is no other space. You look at where the truck had to go on a straight road, and that truck had a whole lane in which they could have passed you. You often ask the question, 'Why didn't you pass and give me the room that I required? You have just put my life at risk.'

I am a strong advocate for the improved education of both cyclists and motorists. I think we need to be clear that a lot of cyclists might have ridden as a child. They might have been taught by their parents and they may not have received any form of training whatsoever. Then they might pick up this sport or as a form of transport later in life. The danger obviously with that is, what is their skill level like? How competent are they? Are they up to speed with the road rules? I think there is a lot of work that can be done improving the cyclists' skills. One of the areas that has not been spoken about is that we seem to have dropped the ball on cycle education for the young. It is not a compulsory thing. We hear so much that there is so much competition in the education area for what a child has to learn. I think we have relied on the parents to teach that skill. I am not so confident that parents actually have the competency to adequately teach a child how to interact on that road network. Are they passing over their own bad behaviours as a car driver or their own bad biases towards cyclists? I think an area where we can definitely improve is the cycle education for that year 4 and up age group. I also think that cycle education for adults is certainly an area that definitely needs to be there. There is a lot of scope for the AustCycle program that Cycling Australia has produced in partnership with the Amy Gillett Foundation. There is a lot of scope to improve and expand that cycle education.

In terms of how we bring that altogether, I would like to touch quickly on a few things. The review of the penalties, I think we were probably talking about the strict liability laws that we see in western Europe. I do think there is scope to explore whether or not that could be, I suppose, looked at for an Australian circumstance. The research is a little bit fifty-fifty whether or not strict liability has improved safety for cyclists or has encouraged more people into cycling. I suppose it comes back to the argument that you have a vehicle that weighs 10 kilograms versus a vehicle that weighs 1,000. As we have said before, you are always going to come out second best. It is a little hard when you have probably been, as Paul gave that example and I nearly had it happen to myself, pushed off the side of the road, in a ditch, and probably forgotten about. You might have suffered brain trauma. How do you or your family protect your own interests when you probably cannot even speak on your own behalf, because you have suffered a head injury and so forth? Definitely, I think there is a case for it. I know the insurance industry would be very nervous about it, potentially. But we have to do something in this country and, in particular, in Queensland. We could lead from the front in actually looking at stricter liability laws and also the one-metre passing law. I think definitely that is a good starting point.

In conclusion, I suppose I have seen in my own town cycling has boomed. Noosa is a mecca for sports cyclists, but with that has come a real and growing unease. Even in recent letters to the editor last week, someone was writing in about how dare the local authority spend our taxpayers' money providing bike lanes and all this green paint and, basically, has handed over our road space to cyclists. Then the person went on to say that he was calling for all cyclists to be rounded up and put in a cyclists' detention centre. Those sorts of extreme views make you ponder and think, 'Gee, I hope I don't come across that person next time I am out riding down in the Noosa Parade.' Those are the sorts of people. There is a growing unease.

I think this is a timely inquiry, because as we have heard cycling numbers are growing. Certainly, on the Sunshine Coast sport cycling is booming. The groups you see on the coastal roads are very big. With that comes the angst of sharing that space, especially on our rural roads, which do not have the shoulder width. We have tried to do our best in the suburban urban area and I think we have done a reasonable job, but there is a lot more to do. It is those encounters where you are on the rural roads where you do not have the shoulder width and you have the double white lines. How do people get around these growing groups? I think that is where we have seen a lot of the angst in the media up here.

Personally, I have had a vehicle drive within inches of me, putting my life at risk. I have cycled throughout the world. I have been to sporting events in other countries. I went to South Africa and I must admit that I would probably never ride a bike in that country whatsoever. In some respects, we are quite well off with the facilities we have. In the UK last year, I thought we had more cycle facilities. For my local town of Noosa, we have more facilities but there is something missing, which is that driver behaviour. I was in South Wales. There were two cyclists on this winding country road and we were in a traffic queue. I thought, 'What on earth is going on here?' I was getting a little bit uptight. I looked ahead and there was a bus. Everyone was patiently waiting behind these two cyclists climbing up this hill. No-one was tooting their horn, no-one was giving them the finger, no-one was trying to swerve and knock them off the road. I reflected and thought, 'You know what, that probably would not happen on my local road in the Noosa area. I probably would not have survived that.' I think it does say a lot about our culture as drivers. I think there is a lot to be done to improve that.

CHAIR: Mr Duffy?

Mr Duffy: Thank you, Mr Chairman. I am an employee of the Sunshine Coast Council. However, I am now speaking about my personal submission to the inquiry. My submission is based on my experience and knowledge from being both a recreational and a commuting cyclist and a transport planner and civil engineer. Unlike a number of other speakers, I have come late to cycling. It was a conscious decision about five or six years ago. It actually was a trigger to move into transport planning as a career. While I was preparing the submission, and I feel that I am a fairly positive person and a positive cyclist, it made me ask myself the question: is it less than safe to cycle on our roads on the Sunshine Coast? If my experience is typical of the experience of cyclists here, unfortunately it is unsafe. Thinking back, so far in the last eight months of this year I have narrowly avoided being hit by two vehicles, been in one crash, been deliberately run off the road once, and actually witnessed a fight between a driver and two riders over the right of cyclists to be in a particular street.

Looking at my submission and just a few details on that, the submission noted a decreasing trend in the number and severity of crashes involving cyclists, based on the Department of Transport and Main Roads data, which was presented to the committee. However, when I looked closer at the Sunshine Coast data, I saw that the picture actually showed a steady increase in crash injuries over the period of 2006 to 2010. This may be a result of the recent trend of increasing cycling participation on the Sunshine Coast, but whatever the cause it would appear that the situation is getting worse and not better. The effect known as 'safety in numbers' may be true for Europe and elsewhere, however I do not believe that the current number of people cycling here on the Sunshine Coast provides the volume that actually demands greater care from our motorists. So until that happens, physically protecting cyclists is critical.

Cyclists, as well as drivers, make mistakes and bad choices. There is no doubt about that. However, people on bicycles can pay a much higher price when things do go wrong. I also believe that there is a significant under reporting of crashes with injuries that do not require hospitalisation, so the cost of crashes involving cyclists could actually be significant higher than the data would indicate. Paul's suggestion earlier of collecting real-time data from as many users as possible I think has a lot of merit.

Without doubt I think the emphasis must now be on providing a safer environment through improving driver behaviour and providing more and safer infrastructure. My submission particularly mentioned adopting a reduced posted speed limit of 40 kilometres per hour for urban non-arterial roads and streets as being an effective way of improving the liveability of our communities, while improving safety for all road users, that is, cyclists and also motorists and pedestrians. It is children and seniors. If we can make our streets safe for children and seniors, then we make our streets safer for everyone. The National Road Safety Strategy recommends that in metropolitan areas, in particular, more speed limits of 40 kilometres per hour or lower should be established. Demonstration projects such as Hamilton City Council's Safer Speed Areas project found that residents accepted a lower speed limit of 40 kilometres per hour as being good for the local community and half even believed that lower speed limits should be installed in all local streets in Hamilton.

I suggest another change that could have a significant impact on how the community treats cycling on the Sunshine Coast would be if the community needs to see that cycling has a legitimate place on our roads. The easiest way to achieve this is to have cycling made a lot more visible. The Department of Transport and Main Roads, I believe, has been making progress in providing cycling facilities here on the coast. However, I would like to see the department using cycle symbols on shoulders and wherever there is sufficient space and length to allow cycling. This relatively inexpensive initiative would send clear and strong messages that cyclists and cycling belong.

Regarding the road rules, antisocial dangerous behaviour by drivers towards cyclists usually goes unreported and, therefore, unchanged. In my experience, cyclists are reluctant to make these reports as they often feel ignored and reporting these incidents to police needs to be encouraged and supported. The police need to treat these reports seriously and actually take some action on them. Video evidence also needs to be accepted as valid and relevant.

I really do not want to hear another SMIDSY: Sorry mate, I didn't see you. Two already this year is two too many. While I appreciate the apology, I do not want to be that physically close to serious injury on a regular basis. After very close misses, it can take courage to keep cycling. It should not be that way. Cycling can and should be a safe and normal activity. It seems to be generally agreed that drivers have a poor understanding of the full range of road rules, yet we seem to be accepting this. I went to a course of transport professionals a couple of years ago where a

simple test was given on the road rules. No-one got them all right. There were some people present who struggled to get even a pass of 50 per cent. They were professional transport people, so I wonder at the level of understanding in the general community. Can we please address this negligent lack of knowledge?

An idea of introducing an effective way to ensure that road users understand road rules would be to introduce a system of driver licence renewal testing. A system where a random selection of drivers renewing their licenses are required to undertake a test would encourage all road users to revise or relearn the practical application of road rules. A similar system has been used in the past for private pilots' licence renewals and seems to motivate people to reach the required standard while containing the cost of testing.

One comment: if this inquiry were to recommend that helmet laws be relaxed for any group of cyclists, I would like the committee to consider the concept where cyclists not obeying other traffic laws would be double fined if they were also not wearing a helmet. Finally, considering the current penalties and sanctions: a pet hate is broken glass in cycle lanes and shoulders. It causes punctures, it is annoying, it costs cyclists time and dollars and can be dangerous. As well as that, cyclists will ride in traffic lanes rather than on shoulders or in cycle lanes to avoid glass and other loose material. I was in a group ride on the weekend. There was a cycle lane and everyone was riding in the traffic lane. It infuriates motorists who wonder what the benefit is of their taxes and their rates going towards providing cycle lanes. I do not believe that the Summary Offences Act 2005 or the Miscellaneous Road Rule 293 are clear or specific enough about this antisocial behaviour and I think it is a need that needs to be specifically addressed. Regarding bicycle registration, I think those arguments have been covered very well by others, so I will not comment further on that.

In conclusion, I thank the committee for the opportunity to talk to my submission in the interests of a safer and more enjoyable—and I think that is very important—road experience for all users, not just cyclists.

CHAIR: Thank you, Mr Duffy. That is very interesting. Mr Walker said that something drastic needs to happen in Queensland with cycle laws. I can assure you that my views and the views of my committee are that, in relation to cycle laws, we are going to open the doors and let the wind blow through. Nothing is sacred. We are having a genuine look at it. We hope we can make some changes, because we recognise that cycling will increase and we need to make some change now for the future. Mr Walker, in your submission you talked about the Dutch system. It is recommended that the committee consider the introduction of strict liability legislation within Queensland, either civil or criminal, so that cyclists or pedestrians who are involved in a motor vehicle accident are afforded greater protection. That system of strict liability is offered as a good reference and consideration should be given to the model of limiting strict liability to children under 14 years of age and adults are afforded a greater protection so that the motorists are not automatically in the wrong. Let us talk about this. Do you think this would be a far better way for us to go in Queensland?

Mr Walker: When you consider the culture that we have at the moment and the adversarial aspects between cyclists and motorists, I know some would probably argue that maybe it may lead to more of an adversarial relationship. However, as we have heard before, the cyclist is always going to come out second best in any of these encounters. Certainly it is my view that we have to create a greater protective bubble around the most vulnerable user and that vulnerable user also has a responsibility for their own actions and how they conduct themselves on the roadway. I suppose without strict liability you really are not affording any greater protections to the cyclist. Even if we provide the bike lanes and we provide everything else, we still have this thing that I spoke about which is the Australian culture of how we drive and how we view cyclists as something pesky or an alien and we want to get them out of the way. It may actually stop a motorist for that one second to think a lit bit more carefully about the decision that they will next make when they are about to overtake a bunch of cyclists that they come across, or if they are flying through a roundabout without really giving due thought to what they are doing, or they are coming across a group of pedestrians on the side of the road. I hope from it that motorists will actually back off, slow down, think and really consider their actions a lit bit more carefully. If that is the one thing that we get out of it, which is also leading to less fatalities, greater care, greater caution, greater sharing of that space, I think that is a good thing, and hopefully we will see a reduction in fatalities.

With the Dutch model, you have to remember that it is not just that one form of legislation which is the panacea. They have a whole range of other things going on. They have the infrastructure, they have a culture, they have other insurance issues. I am not an expert on how their motor traffic insurance and tax laws work, but there is a whole range of other things going on. I believe it needs to be packaged with a whole range of things, whether or not that be one-metre

passing legislation, whether or not it is improvements in infrastructure and education, the enforcement on cyclists to use lights and wear bright clothing. All those things need to be considered as part of that package to even up what is going on out there, because it is not an even game.

CHAIR: Mr Duffy, could we talk about the turn left on the red phase. If we are antagonising motorists already with the way the world is, will it make it worse for them? By the same token, having a turn left on the red phase means that the cyclists can get out of the road. Do you think it will be better for motorists, that motorists will be happier with a change of the rules to suit that?

Mr Duffy: That might be one that would have to be tested. It is something that often occurs to me and there are a couple of places on my commute which are on hills when I have to stop at the last minute on a red and then in the process try to select the right gear to start again from a standing start. It is probably also behaviour that you see cyclists take it slowly into the left and then come back from the crossroad to continue on. It is probably reflecting more behaviour that you do see. I am raising the question: is there merit in doing that? I really could not say there is or is not. It is just a behaviour that you do observe. It is happening.

Mr WOODFORTH: Mr Walker, you mentioned that cyclists should also take note of what they are doing, like high-vis clothing to make sure that we can see them. In a car, there are a lot of things going on. With the pillars and when you are in shaded areas you cannot see a bike coming out of a shaded area of a tree. Do you have a bell and a mirror on your bike?

Mr Walker: No, I do not. If I go out riding early in the morning, I have a huge white light that is very bright and I have two red flashing lights, one on my helmet and one on the back of my bike. I mainly ride on the roads. I am a mountain biker. I rarely use the pathways. If I do use the pathways, it is with my fiancé if we are going for a casual ride. No, I do not. Every day when I go out to ride I make a conscious choice, I suppose, on the clothing I wear and whether or not I choose a bright helmet. I choose a bright bike—red and white. I choose bright white socks. I do everything possible to make myself seen. I do not know if a bell would help me in an encounter with a truck that is probably doing 80 or 100 kilometres an hour. I hope that my clothing and my lights flashing would help, and that is probably what I rely on the most, and I try to stay straight and upright and indicate what I am actually doing.

Mr WOODFORTH: You mentioned there a night-time or an early morning darkness situation. In the situation where it is very bright, your lights are pretty much ineffective and most people do turn them off. I do not see many groups cycling with their lights on, even though you can get very strong ones these days. In clear daylight it is actually quite strong. Again, if the motorist cannot see you because of the pillar and, again, you can see that truck coming up—and I'm a cyclist—you will hear the call, 'Clear back'. You are checking to see what is coming back. The rear rider will constantly do that. Again, as a cyclist I am on your side, but we have bells and rear-view mirrors, but as soon as we buy what do we do? We take them off.

Mr Walker: I am not sure where you are going with your inquiry. I suppose you have the whole sport cycling culture, which obviously you seem to be part of, so you probably know that there is a certain code or a certain etiquette of how people ride in those groups. There is also a certain way that they look and dress and everything else. Having rear-view mirrors placed on their helmets and on their bars obviously seems to be more of an area that a hard-core commuter cyclist tends to have. They do not obviously sell road bikes costing \$2,000 up with a mirror or a bell. Actually, they probably do come with a bell these days. It is one of those things. Yes, maybe we should have them on. Do I believe they will use them? No. I think that people rely on their senses—their eyes and their ears—and make the common-sense call to wear the correct clothing and the correct gear, and just look out for themselves and hope that someone else is actually looking out for them in the group or they are trusting the motorists to do the right thing.

Mr JUDGE: Mr Walker, there are two things that I wanted to ask you about: firstly, 'a metre matters' and, secondly, the strict liability issue. In relation to 'a metre matters', obviously you are a person with vast experience in cycling on the road, having ridden, I presume, in all speed zones and all conditions. Do you think one metre is sufficient in the worst case scenario, let us say an 110-kilometre-per-hour zone or a 100-kilometre-per-hour zone with a truck going past, as you described before? Do you think that we are leading motorists into a false sense of security by promoting 'a metre matters'? Should it be relevant to the zone and the conditions?

Mr Walker: I think there is a strong case. If you refer back to Austroads in terms of what we should be providing in guidelines for on-road cycle lanes: as soon as we get above 70 kilometres an hour, we should be going out to 1.5, 1.8 plus in terms of lane width. There is a strong case there

that obviously we factor in that increased speed of the motor vehicle which really requires longer stopping distances and greater velocity of impact. I would say, yes. If you are looking at are we going to allow cycling on an arterial road with 80 to 100 kilometres, maybe 1.5 metres, which the French have just introduced; that is what they have gone to. I am sure they have looked at it and reviewed it. How practically they are enforcing it I do not know at this stage. I think you would have to consider somewhere between one metre to 1.5. I think practically that will work. Once you start getting above two metres for a bike lane, there is a real concern that you cannot really provide that in the sense that a motorist thinks that it is a quasi-vehicle lane. We normally provide our facilities between 1.5 to 1.8 and we go to that 1.8 in an 80 or 100 k speed environment for a bike lane. That is what we generally provide.

Mr JUDGE: Taking all that into account, if you are going to ride a pushbike on a highway or a national road, do you think that it is practicable for the government through the Department of Transport and Main Roads to have a 'a metre matters' guide or introduce a one-metre law? Obviously it is impossible to increase the width of the road to allow for bicycles in those situations. How do you think they should address it?

Mr Walker: Personally, I do not believe that national highways with speed environments of 100 to 110 are suitable environments for general cycling, even for groups of sport cyclists. Personally, I would not be riding in that environment and I would not be encouraging it. I think you have to look at alternative facilities, whether or not that be a road or a designated off-road shared facility. We are talking millions and millions of dollars to do that on the whole national highway, so it is not going to occur. Within urban areas where we have high-speed arterial roads, I think we seriously need to have a point where we say, 'Is this the environment for a cyclist to be interacting with a motor vehicle going at 110 kilometres-plus speed?' I do not think it is, personally. It is not an environment that I generally would want to ride on, the Bruce Highway. I avoid it. I would rather use a rural country road, even if that other road did provide me with a two-metre-wide shoulder. With the trucks and everything else going on in that speed environment, it is not the environment we should be going towards for cyclists.

Mr JUDGE: Finally on 'a metre matters', do you think it is more appropriate for the government to promote a safe distance based on speeds, rather than stick to a one-metre rule?

Mr Walker: I think for simplicity's sake, we could get ourselves tied in knots if we start to break it down: in this speed environment you do this and in that speed environment you do that. My personal view is that you have a starting point with that form of legislation. Whether or not one metre is chosen or if it is 1.5; let's say that one metre is there. I think that you stick with that general philosophy that that is what we deem as a safe passing distance, generally, when you are on a road. Most roads in an urban street environment are 50 to 60 kilometres or less. I think that is a reasonable distance to cover the majority of cases that we are probably talking about where most cyclists would generally be.

Mr JUDGE: Regarding strict liability, I have had a look at the Netherlands. There is an article in *Crikey* that leads you to another article by a fellow named Mark Wagenbuur. He writes and speaks about it. It might be a bit of a myth, strict liability, so far as it is the infrastructure and it is a combination of all the things that you have mentioned. For example, in relation to the dangerous operation of a motor vehicle under the Criminal Code in Queensland, if a vehicle struck a cyclist and strict liability applied, effectively it is up to the motorist to prove that they were not operating the vehicle dangerously. Do you think that would send a clear message and would be an appropriate type of law?

Mr Walker: Certainly I think it would make me as driver more cautious and, being a cyclist, I am extremely cautious around other cyclists. I would probably put myself in the unusual case where you have that experience level. I think it would help. I know there are a lot of detractors from it saying, 'Why should one group have greater rights than another group?' and 'What happens if the cyclist does this or shoots out from a side street and then I hit them?' When we are talking about the criminal versus the civil liability, I think in the Netherlands case it is more about the civil, so it is really about insurance and everything else. There is a counter argument, for sure, that says, is it really a deterrent to a motorist to be more cautious, the fact that they might pay a little bit more out to the person that they have struck? Is that likely to cause them to slow down or is it the fact that they could go to jail, they could lose a lot of their assets, they could be in deep trouble for striking and killing a cyclist that is more likely to make them stop and think and change their behaviour?

I do not really know what the full answer is. It does come down to a whole range of measures that the Dutch and other western European countries have introduced. It has been operating now for quite a number of years. We have case studies that we can refer back to from western Europe.

In the UK they are debating this, in Scotland they are debating it at the moment and the Welsh are debating whether or not they want to go this way. Obviously, we are of that Celtic blood and in Australia we also seem to be resisting it, like the English and the Scots and the Welsh. I think there is something about our culture, maybe, that probably we are not ready to jump off that point.

Mr JUDGE: Do you think that will help change our culture, that sort of move?

Mr Walker: I think it would be a very bold, very dramatic step and a real statement that Queensland would make to say that we want to be a cycling state; we want to be known across the world as a cycling friendly state. When you look at the blogs and you read what people say about Queensland roads and Queensland drivers and generally cycling in Australia, it is not a good thing. They do not have a lot of good to say about us. I think that is a shame in terms of how we stand as a nation, that we are not known as a cycle friendly nation and as a cycle friendly state. Personally, I would like to change that.

CHAIR: Thank you, gentlemen. We are running a bit behind time. Thank you very much for your time, Mr Duffy and Mr Walker. I call Mr Andrew McKenzie, a principal of Maurice Blackburn.

McKENZIE, Mr Andrew, Principal, Maurice Blackburn Pty Ltd and Safe Cycling Australia

CHAIR: Thank you, Mr McKenzie, for coming along. You have put a lot of detail in your submission and we really appreciate that. Would you like to make a short opening statement?

Mr McKenzie: My name is Andrew McKenzie. I am from Maurice Blackburn Lawyers. I am a principal there. I appear today on behalf of not only Maurice Blackburn lawyers but also Safe Cycling Australia. It is not every day that an opportunity comes along to make significant changes that are going to save people's lives. Right here right now Safe Cycling Australia and Maurice Blackburn believe that there is a fantastic opportunity for this committee to make recommendations for Queensland to become the most progressive state in Australia for safe cycling.

Safe Cycling Australia and Maurice Blackburn believe that there are five fundamental themes which can bring about this change as set out in the paper. The first is legal mandatory minimums. These minimums are distances between vehicles and cyclists. The second is a focus on cycling interests in infrastructure and road improvements. The third is a change in the mentality of 'us versus them'. The fourth is education, training and awareness, and the fifth is ongoing consultation. Before I speak to these areas in greater detail, I would just like to publicly acknowledge and thank a number of people. Firstly, I would like to publicly thank this committee for its evolution and beginning in the first place. I would like to publicly acknowledge and thank David Sharp from Safe Cycling Australia, whose tireless work in promoting, raising awareness and lobbying has led the government to the improvement of safety for cyclists in Queensland and Australia. I would also like to publicly thank Bruce Flegg for bringing this important issue to the parliament and for the establishment of this commission. I would like to congratulate and thank the members of this committee for the hard work and consultation that they have done to date and the hard work that is still ahead of them.

I would also like to thank and congratulate the numerous people who have taken the time to do the detailed submissions which have been lodged already with this committee. It is clear from those submissions that there is a call and a time for change. It is clear that there seems to be a huge groundswell of support in relation to this opportunity for change, this general consensus that change is needed to improve safety and that this can save lives, reduce the number of injuries and promote cycling generally.

The reality is that cycling is an activity that should be promoted and encouraged. It is cheap; it is clean; it is green; and it is beneficial to the mind, body and soul. It is an activity that should be emphasised as a legitimate means of transportation to and from work, sporting, social and recreational. It reduces congestion on our roads. It is wonderful for our environment. It is fantastic for the individual and the health and wellbeing of our community. The primary reason that exists for this activity not to be undertaken in greater numbers appears to be safety.

I bring back to this committee again that an opportunity exists right now. Maurice Blackburn comes to this committee with a long and proud history of representing people injured on our roads. We are no different, however, to the doctors, hospitals, ambulance officers, police officers, physios, psychologists and other people who work day in, day out with people who have either lost their lives or face the consequences of injury on our roads. Maurice Blackburn day in, day out sees mums, dads, brothers, sisters, family members and friends physically injured and have to deal with the consequences in relation to helping these people deal with the physical, financial and emotional costs to themselves, their family and the community.

Mr Duffy raised earlier on the acronym SMIDSY. Maurice Blackburn has been proudly supporting a campaign called 'Stop SMIDSY'. It is a campaign which predominantly related to motorcyclists on our roads and trying to promote awareness and safety of them. There is no doubt that cyclists in our community also fall within that similar vulnerable road group.

I turn now to the five key points that we raised in the submission. Safe Cycling Australia and Maurice Blackburn believe that there should be mandatory minimum distances between cyclists and other road users and that this should be legalised. Cyclists are vulnerable road users. They do not have steel frames, airbags, seatbelts or specifically designated chairs to cushion impact or injury. On top of that, as it stands at the moment, Australia—and Queensland—is one of the few First World countries that is yet to legislate mandatory minimum standards. It goes without saying that having greater distance between a cyclist and another road user will reduce the risk of injury occurring.

Safe Cycling Australia and Maurice Blackburn believe that a 1.5-metre distance should be the very minimum. This allows a safe distance for the catastrophic consequences that may occur when a cyclist falls from his or her bike. It allows for other contingencies on our roads such as rubbish, broken glass, debris, potholes and other obstacles or the even scarier situation of vehicles passing onto the incorrect side of the road. A 1.5-metre distance also promotes greater visibility for vehicles travelling in either direction and for other road users travelling in front of or behind the vehicles to ensure that they can be seen. Lastly, it improves the feeling of safety of cyclists on our roads. The studies indicate that with a distance of less than one metre or 0.95 metres, cyclists still feel unsafe with vehicles travelling in excess of 20 kilometres per hour.

The biggest obstacle regarding mandatory minimum standards appears to be enforceability. The reality is that enforcement is no different from our police monitoring other traffic infringements on our roads such as texting, talking on a mobile, wearing a seatbelt or other traffic infringements. Recently the Austin police service in America highlighted on a website, which I can provide to the committee at a later point, details of a program they have started and how they enforce it. It simply involves the police officers travelling on regular routes on the roads. Leading up to the time of travel, they would actually ride past a pole which was set a metre back—in that case, that is their minimum standards—so they could get used to driving that distance apart. They would then ride on the road in pairs and they would videotape the circumstances of riding up and down on the road. In that instance, they actually recorded 104 citations of people breaching their minimum standards. The two reasons that were given was, one, 'I didn't know what the law was'; and, two, 'I didn't realise I was passing so close.' If you were to ask the cycling community whether they felt that vehicles were passing too close, I think you know what the answer would be.

Safe Cycling Australia and Maurice Blackburn believe that a mandatory minimum will force public perception regarding the need for reasonable space between cyclists and other road users. The second point that Safe Cycling Australia and Maurice Blackburn believe needs to be fundamentally changed is in relation to the construction, design and improvements of our roads right now. There is no doubt that there is a greater emphasis when looking at the design of our roads in relation to cyclists' ability to be part of that environment. More needs to be done right now in relation to the roads that we currently have and a change in relation to looking at those roads now and seeing how we can improve the safety of those roads. It is important. It is necessary. There are a number of people on our roads and it needs to happen right now.

The third issue is in relation to an 'us v them' mentality. Just quickly, in July 1999, 20 per cent of motorists did not consider cyclists as legitimate road users. Ten years later an AAMI study has found and described cyclists as a road hazard. Recently there was a media piece by Daniel Meers of the *Gold Coast Bulletin* calling for a declaration of war on cyclists. The reality is that, like motorcyclists, cyclists are seen as the poor cousin on the road and, like motorcyclists, when an accident happens, only a third of the time are they at fault for the accident. Cyclists and motorcyclists are risk avoiders and we should be doing everything we can to improve public perception.

Education, training and awareness is No. 4 on the list of issues. We strongly believe that there should be greater education when it comes to licensing—early stages—of people obtaining motor vehicle licences in relation to the awareness and perception of cyclists and other vulnerable road users in our community. Point No. 5 is consultation. This committee and inquiry is a fantastic first step, but we strongly believe there are numerous groups within the cycling community that have extensive knowledge, understanding and experience that can benefit, moving forward, in relation to legislation and change. We strongly hope that this is a first step in relation to building on that consultation and having a continued experience moving forward.

CHAIR: Just very quickly—we are about out of time today—I wish to ask about the mandatory minimum requirement that you talked about, which is a metre, when passing cyclists on the roads. If you pull up at the lights there is probably not going to be a metre gap. Someone might say, 'You pulled up closer than a metre and therefore we are going to ping you,' or should it be more of a sufficient lateral distance? From a lawyer's point of view, are we better off to have some knowledge that there has to be a distance—and it is roughly about this—depending on the circumstances? If you are standing still waiting for the lights, it can be less than a metre, if you are going 40 kilometres per hour it can be metre and if you are doing 100 kilometres per hour it can be more. In legal terms, how would it be best to couch a safe environment?

Mr McKenzie: Without doubt there needs to be minimum standards in place stating that a vehicle must be a certain distance from a cyclist. If the vehicle or the cyclist is stopped, then obviously there is a little bit of a leeway in relation to that. In terms of vehicles moving forwards,

distances, speeds and all of those sorts of things, we can certainly make changes in relation to that. It needs to be very, very clear that vehicles and cyclists when travelling need to have minimum standards.

Mr GRIMWADE: I will just ask the same question I asked earlier. From a legal point of view, you said before that the enforcement is no different to texting, talking on a mobile and not wearing seatbelts. From a police officer's point of view, if someone is not wearing the seatbelt and they see it, they can go to court. If they are talking on a mobile phone and they see it, they can go to court. My concern is if it is one metre or 1.5 metres, it does come down to the judgement of the police officer. 'Was it 900 millimetres, was it a metre, was it just a bit over?' From your point of view, obviously having a legal background, where do you see these sorts of cases going through to court and having that ambiguity around the actual determination of whether it was actually a metre or a little bit less? It becomes a bit of a grey area rather than a visual sighting such as with seatbelts or talking on a telephone.

Mr McKenzie: Again, it comes down to training and awareness of the police officers involved, like the Austin police service. They had training about what was the distance. On top of that, they had video. So they have video requirements. If you are going to be setting these charges, they have video in place to make sure it happens.

Mr JUDGE: Just in relation to the promotion of the 'a metre matters' rule, would there be any possibility of an action being taken involving the state government or the Department of Transport and Main Roads for promoting that rule, which resulted in a cyclist being injured because it was not a sufficient distance?

Mr McKenzie: It would need to be legislation.

Mr GRANT: I would like to hear your opinion on if we legislated 1.5 metres in scenarios where there is a double line, what do you envisage the truck driver doing?

Mr McKenzie: Envisage? Do you mean in terms of time to overtake and things of that nature?

Mr GRANT: Yes.

Mr McKenzie: The rule is set. So if it is in place there has to be that waiting time. It is going to be coming down to what we are talking about in terms of public perception. We are not a cycling community as it stands right now. It is not seen that way. The people who travel on our roads, the vulnerable users, whether it be cyclists, pedestrians or motorcyclists, are really seen as the poor cousins. We are seen as motor vehicle based and motor vehicle oriented. There needs to be significant change. These people are vulnerable and when accidents occur, the damage is significant.

Mr GRANT: I have one last very quick question. From your perception, what is the cost of a serious accident? We do not have any figures.

Mr McKenzie: There is a number of reasons for that: one, that is tightly held with the insurance companies and whether the insurance companies would bring that information here; two, in terms of those claims that are being brought right now, we have a fault based system in Queensland. Currently the system for CTP claims in Queensland is running very smoothly, the insurance companies are making reasonable profits, the system is working well. Three, the cost to the community that I think you will actually not see is because the majority of accidents that do occur with cyclists do not get reported. They do not get reported to police and you do not see them at all.

CHAIR: Thank you, Mr McKenzie, for your time. We appreciate that. I want to thank everyone for attending today. Thank you once again to those who made submissions to the inquiry. I thought the submissions were excellent. We were able to intelligently go through and drill down into many of the issues that are important to you in your community, and I thank you for that. The committee is due to report back to the parliament on the inquiry by 29 November 2013 and the report will be published on the parliamentary website. I declare the public hearing closed.

Committee adjourned at 1.00 pm