



Minister for Transport and Main Roads

Our ref: PET 25561

Your ref: A301374

19 APR 2018

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Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

I refer to petition number 2833-17 lodged with the Legislative Assembly on 20 March 2018, seeking changes to civil compensation arrangements for personal injury caused to vulnerable road users.

The Palaszczuk Government recognises the importance of protecting the safety of vulnerable road users, and is committed to the *Safer Roads, Safer Queensland: Queensland's Road Safety Strategy 2015-2021* and the *Queensland Cycling Strategy 2017-2027*.

The Government takes a holistic approach to improving vulnerable road user safety which includes infrastructure, supportive road rules with appropriate penalties and sanctions, enforcement and education for all road users, as outlined in the aforementioned strategies.

The petition seeks a change in the law so that when a crash happens between a motorist and a vulnerable road user, a presumption of liability be placed upon the motorist in a civil law proceeding. It is suggested in the petition that this will make it easier for a vulnerable road user to obtain compensation from a motorist or the motorist's insurance company.

Currently, the person bringing the complaint bears the onus of proving, on the balance of probabilities, any fact relevant to the issue of causation in a civil case. This reflects a long-standing principle in our legal system. Amending the legislation to place a presumption of liability on a motorist would reverse that onus of proof.

Queensland Police Service crash data shows that between 2012 and 2016, in serious crashes involving a motor vehicle and a bicycle, the bicycle rider was at fault 41 per cent of the time. Given cyclists are at fault in a significant portion of accidents, albeit fewer than motorists, reversing the onus of proof may impact upon a court's ability to consider the specific circumstances of a crash and apportion liability fairly. Issues of liability of the different parties in a crash are, therefore, likely to be best left to the legal process, without a reverse onus of proof being introduced.

Accordingly, the legislative amendment sought in the petition is not under consideration at this time.

I thank the petitioners for their interest in road safety for vulnerable road users.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized initial 'M' followed by a series of connected loops and a final flourish.

MARK BAILEY MP
Minister for Transport and Main Roads