

1 April 2016

Secretary  
Economy and Infrastructure Standing Committee  
Submitted electronically via the Inquiry's [eSubmissions form](#).

## Inquiry into the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015

The Amy Gillett Foundation (AGF) welcomes the opportunity to provide a submission to this important inquiry. The AGF is a national organisation that works to reduce the incidence of serious injury and death of bicycle riders in Australia. Our **a metre matters** campaign has spearheaded amendments to road rules that make it safer for bicycle riders across the country. The campaign started with an education campaign, launched by the then federal Minister for Transport, the Honourable Anthony Albanese, in December 2009.

In February 2014, no Australian jurisdiction had minimum overtaking distance laws on trial or mandated. As of January 2016, five jurisdictions have minimum overtaking distances specified in their road rules, or an equivalent (South Australia, Tasmania, Queensland, Australian Capital Territory, New South Wales). In each jurisdiction, the AGF has been at the centre of inquiries and roundtable meetings, engaging with stakeholders and governments, opposition and minor parties on a bipartisan basis. The AGF has considerable experience addressing questions, concerns and challenges around implementation, compliance and enforcement. Concerns have dissipated as the amendments have been rolled out. In addition, we have invested in community attitudes research about the minimum overtaking distance legislation and are building a national understanding of awareness, knowledge and implementation. We are delighted to share this experience with the Inquiry.

We also draw the Committee's attention to an evaluation conducted by Prof Narelle Haworth and her research team at CARRS-Q from the Queensland University of Technology of the minimum overtaking distance trial in Queensland. This report, submitted to the Queensland government in late 2015 but yet to be made public, will provide important insights into the Queensland experience.

The AGF makes five recommendations in our response to the Inquiry's terms of reference in the interests of Victoria becoming a true safe cycling state. The AGF looks forward to discussing our submission in greater details with the Committee in person. Please do not hesitate to contact me directly if you have any questions or require any additional information.

Yours sincerely



Phoebe Dunn  
**Chief Executive Officer**

## Recommendations

The Amy Gillett Foundation strongly recommends the following action to the Committee:

### 1. Amendment of road rules for minimum overtaking distance

Victoria's road rules be amended to mandate minimum overtaking distances when drivers overtake bike riders. Specifically, Victoria's road rule (RR 144) be amended to define 'sufficient' distance as:

- 1 metre in speed zones up to and including 60 km/h
- 1.5 metres in speed zones over 60 km/h

### 2. Amendment of complementary road rules

In addition, complementary Victorian road rules (RR) be amended to allow drivers to cross a dividing line or median strip to overtake a cyclist (RR 139A), move into the next lane to overtake a cyclist (RR 146) and cross a continuous white line (RR 147).

### 3. Public awareness campaign

Implementation of a widespread public awareness campaign to inform the Victorian community about the amendments. Ideally this will start at least two months before the amendment and continue for a minimum of 6 months to one year. The AGF has extensive experience developing and delivering safe cycling messaging nationally, and we would welcome the opportunity to work with the Victorian Government to develop and deliver messaging in Victoria. Going forward, we also recommend the inclusion of safe cycling messaging in the excellent campaigns developed by the Transport Accident Commission (TAC), including as part of *Towards Zero*.

### 4. Stakeholder advisory group

Convene a stakeholder advisory group including the Amy Gillett Foundation to provide expert advice and to monitor implementation of the minimum overtaking distance laws in Victoria and accompanying public awareness campaign and evaluation. This was the action taken in the Australian Capital Territory by the Justice and Community Safety Directorate (JACS) where expert advice was provided by the AGF and others on advertisements and awareness campaign materials.

### 5. If a trial is recommended: scientific evaluation framework, including pre-trial data

In the event the Committee recommends a trial of minimum overtaking distance road rule amendments, it is important that evidence is generated to measure the impact of the trial. Key to this type of evaluation is data prior to the start of the trial. Lessons from Queensland, as stated in the CARRS-Q proposed research design, are that limited appropriate pre-trial data was a major issue for the design of the evaluation framework.

These recommendations are discussed in detail in our response to the Inquiry's terms of reference.

## AGF response to Terms of Reference

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

Action to investigate and amend minimum overtaking distance road rules started in May 2013 with the referral of a parliamentary inquiry in the Australian Capital Territory. The timeline for national action is included in Table 1 for the Committee's reference. Below is a summary of the outcomes and experiences in Australian jurisdictions.

#### Queensland

In April 2014, the Queensland Government became the first in Australia to implement a minimum overtaking distance trial and backed it with the effective *Stay wider of the rider* campaign. The Queensland government commissioned Prof Narelle Haworth at CARRS-Q, Queensland University of Technology to evaluate the minimum overtaking distance trial. The evaluation began after the trial had commenced, and the research team acknowledge this is a major limitation to the evaluation framework. Despite the limitation, this is the most comprehensive evaluation undertaken on minimum overtaking distance laws. Advice to the AGF is that the final CARRS-Q report, submitted to the Queensland government late 2015, will soon be made public. The AGF recommends this evaluation report to the Committee in their deliberations if it becomes publicly available during this Inquiry.

The AGF has also completed three waves of community attitudes research, each time surveying 400 randomly-selected Queensland residents (Nov 2014, May 2015, Nov 2015). Key findings from these surveys include:

- Over two thirds of Queenslanders agree with the legislation
- 67% agreed the amended road rules makes bicycle riders feel safer
- 70% agreed that good communication and education are essential for the legislation to work
- 60% of cyclists noticed an increase in the space drivers give them since the trial started

#### South Australia

South Australia, under the leadership of Premier Jay Weatherill, became the first state to mandate minimum overtaking distance rules to provide for **a metre matters** without first undertaking a trial, commencing 25 October 2015. This was in response to a recommendation from a Citizens' Jury report [Sharing the roads safely](#). A Bike SA survey found that over half (55%) of South Australian bicycle riders said drivers were respecting the amended rules.

Again the AGF commissioned research to understand community attitudes towards the changes to the road rules. Key outcomes from South Australians (n=400) include:

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

Bike SA, the largest recreational cycling organisation in South Australia, conducted a survey three months post-road rule amendment. [Key results](#) from cyclists who responded include:

- 74% said the amended road users engaged them to ride on the road more often than before
- 70% noticed an improvement in the distance given by drivers in speed zones under 60kph
- 78% noticed drivers crossing the dividing line when overtaking as permitted by the amended road rules

## Australian Capital Territory

A two year trial of the minimum overtaking distance laws started on 1 November 2015 in the ACT. The ACT government commissioned community attitudes research in September 2015, prior to the minimum overtaking distance trial commencing on 1 November 2015. Key results from the survey of 407 residents in the ACT included:

- 88% supported minimum overtaking distance changes
- Minimum distances like these would likely save lives and prevent a lot of unnecessary accidents (open ended response)
- Common sense in leaving room for safety for both cyclist and driver (open ended response)

Following the survey, the statement from the ACT Government [Positive attitudes towards safer cycling reforms as trial begins](#), included the following statements:

The overwhelming majority of survey respondents were in favour of minimum overtaking distances. The introduction of these laws will make cycling safer and get more people physically active. One of the easiest ways for people to get their recommended 30 minutes of physical activity is to build it into daily routines such as commuting between home and work, or home and school.

*Heart Foundation's ACT Chief Executive Officer, Tony Stubbs*

These results show how caring the ACT community is. Not only do most people support the minimum overtaking distance...This suggests that there is not as big a divide between the motor vehicle driver and the bicycle rider as many of the media would have us believe.

*Pedal Power Executive Officer, John Armstrong*

*Leading ACT cycling advocacy group*

On the road, cyclists are particularly vulnerable because they are smaller and have less crash protection than motorists. It is important that we continue to make it easier, safer and more convenient for people to choose cycling as their preferred method of transport.

*Minister for Justice, ACT, Shane Rattenbury*

## Tasmania

In February 2015, Tasmania introduced new road rules to increase the safety of bike riders. Drivers can straddle or cross a continuous centre line in order to leave a safe space when passing a bike rider, when it is safe to do so. The Tasmanian Government also outlined the safe overtaking distances for a driver when passing a bike rider as one metre at speeds of up to 60 km/h, and 1.5 metres at speeds above 60 km/h. The Tasmanian Government has invested in a two year cycling public education campaign featuring innovative

and humorous messages to convey the importance of leaving a safe distance when overtaking bike riders. The Foundation is an expert member of the Cycling Safety Steering Committee that advises the Road Safety Advisory Council and which prioritised minimum overtaking distances as key messages.

## New South Wales

On 21 December 2015, the NSW Government announced a trial of the minimum overtaking distance laws as part of its [Go Together](#) safety campaign. From 1 March 2016, drivers who overtake a bicycle rider must allow a distance of at least 1 metre when the speed limit is 60km/h or less, and 1.5 metres when the speed limit is more than 60km/h. If drivers cannot pass a bicycle rider safely, they should slow down and wait until it is safe to pass the rider, leaving the minimum distance. The NSW community is already familiar with a **metre matters** which has been featured in the *It's a two way street* road safety campaign over the past three years. This makes NSW the fifth jurisdiction to adopt minimum overtaking distance legislation.

## Western Australia

The number of people riding bikes in WA is above the national participation average, and government, industry and community organisations are tracking the progress of the Queensland trial with great interest. The AGF works closely with WestCycle, the state's peak body for cycling, which supports the introduction of minimum overtaking distance legislation.

## Northern Territory

The Northern Territory Government have expressed an interest in road rule amendments to introduce specified overtaking distances. The AGF is continuing these discussions with the goal of achieving a **metre matters** road rule amendments in the NT.



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

### Education and awareness campaigns

Education is essential to the effectiveness of the law changes. Following the enactment of the amendments, education and enforcement are critical to ensure the amendments lead to behaviour change and a safer cycling environment. This has been the lesson from the experience in Queensland.

In a recent interview with the [ABC](#), RACQ's Executive Manager Technical and Safety Policy, Steve Spalding highlighted the need for ongoing awareness campaigns:

'It can certainly take a lot of good, proper education messages over a long period of time because you're asking people to think differently, asking people to appreciate why they need to not just keep themselves safe but others around them'.

Education campaigns have been implemented in all five jurisdictions that have taken action to implement minimum overtaking distance law changes. Lessons about the implementation and effectiveness of the government campaigns identified from community attitudes research include:

- Queensland – the campaign was widespread, however it was short. 75% agreed messages were effective (when shown) but recall was low<sup>1</sup>
- South Australia – one fifth of respondents were definitely aware of the road rule amendment, increasing to one third of cyclists (research one month prior to amendment)<sup>2</sup>
- Australian Capital Territory – 36% of residents were aware of the upcoming trial (research one month prior to trial start)<sup>3</sup>

Below are links to the major campaigns related to minimum overtaking distance law changes in Australia. The state government in Tasmania used humour to engage the public conversation about the importance of giving cyclists space when overtaking. This style of campaign is an example of ongoing awareness messaging that goes beyond an initial information/education campaign. To reach existing drivers going forward, the AGF recommends safe cycling messaging, including minimum overtaking distance laws, be incorporated in public communication messaging, including the excellent campaigns developed by the Transport Accident Commission (TAC), as part of *Towards Zero*.

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<sup>1</sup> <http://www.amygillett.org.au/wp-content/uploads/2015/08/QLD-overtaking-distance-legn-Mkt-research-Nov-2014-SUMMARY.pdf>

<sup>2</sup> [http://www.amygillett.org.au/wp-content/uploads/2016/01/SA-Community-Attitudes-Benchmark-Research-Summary-Oct-2015\\_final.pdf](http://www.amygillett.org.au/wp-content/uploads/2016/01/SA-Community-Attitudes-Benchmark-Research-Summary-Oct-2015_final.pdf)

<sup>3</sup> Community attitudes research conducted by the Australian Capital Territory Justice and Community Safety Directorate

## National education campaigns

click on the image to go to the campaign



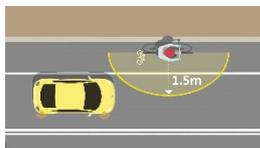
**Queensland**  
Stay wider of the rider



**Tasmania**  
Distance makes the difference



**South Australia**  
Reminder: new cycling laws have taken effect



**Australian Capital Territory**  
Safer cycling reforms



**New South Wales**  
Go Together

### Learner driver, education, training and testing

It is essential that changes to minimum overtaking distance laws are included as part of the driver training process (theory, skill development, written and practical tests). Further, as in Queensland, overtaking a cyclist too closely during a licence test must be considered a critical error (instant fail).

Currently nationally in Australia, questions answered by new drivers are compiled from a test-bank of questions that are not quota sampled and may or may not include questions about safe interaction when sharing the road with bicycle riders.

This formal testing process must be amended to include the existing road rules about sharing the road with bicycle riders and interacting with cycling infrastructure.

When the AGF ran the Road Right Learner Driver program between 2008 and 2010 in conjunction with State Licensing Authorities, over 60,000 Learner drivers completed a 10 question quiz about bicycle-related

road rules. **Only 64% of participants** answered all 10 questions correctly, highlighting the important need for improved bicycle-related licence education.

The AGF acknowledges that there is a potential perception that additional questions may be considered onerous however, given the enormous potential for harm that can be caused by any driver of a motorised vehicle, we consider adequate questioning about vulnerable road users to be a minimum requirement.

Internationally, the lessons related to safe overtaking distances specifically note the importance of enforcement. Brown et al (2013) in a national review of US state policies and expert interviews on the 3-foot law concluded that:

“all too often these laws were successfully enacted as codified law yet go unenforced and with little effect due to a lack of funding dedicated toward educational campaigns, or to provide training to police departments on their proper enforcement<sup>4</sup>”

A practical example of police training is publicly available from the police in Austin, Texas where they developed an effective information video – [Safe passing for Austin’s cyclists](#). Under the Vulnerable Road Users Ordinance in Austin, drivers are required to allow a minimum of 3 feet when overtaking cyclists, even though this is not the law in the state of Texas.



## AGF partners – educating together

Across Australia, the AGF has worked with partner organisations to raise public awareness about the need to provide cyclists with a safe overtaking distance through our **a metre matters** campaign. The success of our **a metre matters** campaign has been recognised with the Amy Gillett Foundation being awarded the 2016 Cycling Luminaries Award for Bicycle Culture and Behaviour Change.

In Victoria we have partnered with a wide range of organisations to deliver messages to improve cycling safety. Collaborations include:

- Sharing roads and paths code of conduct project with Vicroads, Victoria Police, RACV, Monash University, Victoria Walks, Bicycle Network, cycling organisations and local councils
- AustCycle, cycling skills education program with Cycling Australia
- Bike Rider’s guide to road rules in Victoria with the Victoria Law Foundation
- Road crashes involving bike riders in Victoria, 2002–2012 with the Transport Accident Commission (TAC)
- Education of drivers and passengers with the Victorian Taxi Association

Through the AGF award winning [Cycle Safe Communities](#) program<sup>5</sup> we have worked with local councils and organisations across Australia, including Victoria, to deliver safe cycling messages.

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<sup>4</sup> Brown, Farley, Hawkins, Orthmeyer (2013). The 3 ft. law: lessons learned from a national analysis of state policies and expert interviews [http://njbikeped.org/wp-content/uploads/2013/04/3-Foot-Final-Report-Draft\\_V7.pdf](http://njbikeped.org/wp-content/uploads/2013/04/3-Foot-Final-Report-Draft_V7.pdf)

<sup>5</sup> In 2014, Governor-General Peter Cosgrove in his role as Patron of the Australasian College of Road Safety awarded the Amy Gillett Foundation with the [3M-ACRS Diamond Road Safety award for innovation in road safety](#) for Cycle Safe Communities. The program provides local councils and organisations with the professionally designed safe cycling messaging and means organisations can spend their communications budget on delivering the message, not re-developing messages.

We also work with our corporate partners to help deliver our safe cycling messages and to take practical action to make cycling safer in Australia. An example of one of the important AGF corporate partnerships is with Toll Logistics. Toll drivers travel nationally and it is important that there is national consistency to keep cyclists safe. Work through this partnership includes driver training to ensure drivers allow minimum overtaking distances when passing cyclists on the road. On 22 March 2016, the AGF renewed our partnership with Toll at a launch held in Ballarat, reminding drivers to take care over the Easter period and give cyclists a metre, bringing the safe cycling messages to regional Victoria. See more at [AGF-Toll partnership](#).

We have worked extensively with state and local governments nationally, and we welcome the opportunity to work with the Victorian state government to deliver education messaging in Victoria.



AGF-Toll partnership renewal, Ballarat, 22 March 2016

## Education for engineering solutions

Engineering solutions can provide the highest level of separation between moving motor vehicles and cyclists, and the Amy Gillett Foundation also advocates for improved cycling infrastructure. As this is unlikely to ever be possible on every street in Victoria, we need to mandate minimum overtaking distances.

However, where engineering solutions are used, it is essential that there is adequate education to ensure that all road users understand the changes to the road. While fully separated bike lanes with concrete curbing is intuitive, pavement markings like sharrows are not well understood and education is essential for these types of engineering solutions to be successful.

The intention with sharrows is to indicate to cyclists that they may use the full lane. However this is not widely understood in Australia and education is needed to ensure drivers understand this shift in priority and minimise driver aggression and frustration.



Sharrows – need broad education to minimise driver aggression/frustration

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

It is standard practice to use measurements in the Australian Road Rules that are clear, effective and enforceable. Like other road rules that specify measurements, minimum overtaking distance laws are enforceable by police.

Enforcement of minimum overtaking laws is an important component to achieve behaviour change in drivers. Effective implementation of a metre matters laws requires legislative amendment, education and enforcement.

Recent figures from Queensland report that since the start of the trial, more than 70 drivers have been charged under the amended road rules. Queensland's state road authority Transport and Main Roads statistics showed that the number of cyclist fatalities had decreased from 22 in the two years prior to the trial, to 16 since the law came into effect.<sup>6</sup>

Feedback from the Queensland Police Service has been positive. One Queensland police Sergeant said: "The previous road rule was very difficult to enforce, there was no objective standard for what was 'sufficient'. Now we have a clear cut definition."

According to the evaluation framework, the report from CARRS-Q will include detailed information about the Queensland Police Service process for implementation including the practicability of enforcement with in-depth interviews of QPS officers and infringements issued. However, some caution is needed when interpreting infringement data as few infringements may suggest driver behaviour has changed or may suggest a lack of attention on this behaviour by police.

In addition to the CARRS-Q report, the AGF recommends the Committee refer directly to the police services in jurisdictions with the amendments for advice on effective enforcement policies and strategies. Experiences interstate will help to guide Victoria Police in implementation, for example in relation to practical enforcement and education for police officers, and the period of introduction of the amended road rules when police have discretion to educate drivers about the amendments.

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<sup>6</sup> Harazim, K. (19 March 2016). Injury cyclist praises safer overtaking laws ahead of Queensland review. <http://www.abc.net.au/news/2016-03-19/queensland-minimum-passing-distance-rule-cyclists-due-review/7252458>