

12 December 2014

The Honourable Jay Weatherill  
Premier of South Australia  
GPO Box 2343  
ADELAIDE SA 5001

By email: [DPCTOfficeofthePremier@dpc.sa.gov.au](mailto:DPCTOfficeofthePremier@dpc.sa.gov.au)

Dear Premier

## Response to South Australia Citizens' Jury Report: Sharing the Roads Safely

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The Amy Gillett Foundation congratulates the SA Citizens' Jury on their final report on *Sharing the Roads Safely*.

We welcome the Jury's recommendations about changes to improve safety on South Australian roads, in particular the recommendation that the current legislation "...be changed to define the overtaking space between a vehicle and a cyclist as a minimum of one metre".

This recommendation is the most important and will have an immediate impact on the safety of bike riders in South Australia.

We know that in Queensland the minimum overtaking distance trial has already created a positive shift in driver behaviour and increased bike riders' feelings of safety. Recent market research also shows that the majority of all road users agree with the changes to the legislation.

The Foundation values the opportunity to contribute to the latest stage of an innovative engagement process and would like to congratulate your Government for its leadership on this issue.

Please let me know if we can be of assistance in publicly supporting your Government in achieving safer outcomes for bike riders. Our full response to the Jury's report is attached.

I look forward to being there in person when you deliver the Government's response to the Jury in January.

Yours sincerely



Tracey Gaudry  
**Chief Executive Officer**  
**Amy Gillett Foundation**

Everyone has the right to ride in safety for work, sport and play.

Cc: Matt Ryan, Deputy Chief of Staff, Office of the Premier  
Vivienne Lambert, Community Engagement Consultant,  
Department of the Premier and Cabinet

## Summary of Amy Gillett Foundation responses

Three levels of support have been provided across the 11 recommendations: full support; full support with extensions; and partial support.

	Full support	The Amy Gillett Foundation completely supports the recommendation.
	Full support with extensions	The Amy Gillett Foundation supports the recommendation and suggests extensions to strengthen it.
	Partial support	The recommendation needs to be clarified.

Recommendations	Amy Gillett Foundation response
<p>Library of ideas</p> <p><i>The Jury recommend that their ideas be made available to anybody interested in exploring safer sharing of roads.</i></p>	<p><b>Full support</b></p>
<p>One metre does matter</p> <p><i>The Jury recommends that current legislation be changed to define the overtaking space between a vehicle and a cyclist as a minimum of one (1) metre.</i></p>	<p><b>Full support with extensions</b></p> <p>This more than any other recommendation will achieve a greater safety for bike riders in South Australia.</p> <p>The most common cause of bike rider crashes resulting in fatalities is being hit from behind by a motor vehicle travelling in the same direction<sup>1</sup>.</p> <p>Extend the recommendation by specifying a minimum distance of 1m when passing bike riders in speed zones of 60km/h or less, and a minimum distance of 1.5m when passing bike riders in speed zones above 60km/h.</p> <p>We know that the minimum overtaking distance trial in Queensland has already demonstrated a positive shift in driver behaviour. The majority of road users agree with the legislation<sup>2</sup>. Key market research findings include:</p> <ul style="list-style-type: none"> <li>• 75% of frequent drivers were aware of the minimum overtaking distance legislative trial</li> <li>• 70% of all road users were aware of the legislative trial</li> <li>• Awareness was consistent across both regions (74% metro, 68% regional)</li> <li>• 67% of all road users agree with the legislation</li> <li>• 68% of frequent drivers agree with the legislation</li> </ul>

<sup>1</sup> Garratt, M and Johnson, M. (Under review). *Road crashes involving bike riders in Victoria, 2002-2012*. Amy Gillett Foundation Report for the Transport Accident Commission, December 2014

<sup>2</sup> AGF 'Stay Wider of the Rider' Campaign Research Final Report Crosby I Textor Group, November 2014

Recommendations	Amy Gillett Foundation response
	<ul style="list-style-type: none"> <li>78% of bike riders agree with the legislation</li> </ul> <p>A draft amendment is provided to facilitate the implementation of this recommendation (Attachment 1).</p>
<p>Formal cycling education in schools <i>The Jury recommends developing and implementing an integrated safe cycling and road rule education program commencing in primary school and continuing through high school.</i></p>	<p><b>Full support with extensions</b> Extend this recommendation to include the adoption of the AustCycle program, which was endorsed by State Transport Ministers in the <i>National Cycling Strategy 2011-2016</i>. AustCycle conducts accredited training courses for instructors through a national provider network, including a number in South Australia. A national bike riding education program for children will be available from 2015. Just as AustSwim aims to ensure that every Australian child should learn to swim, AustCycle aims for every child to learn to ride a bike safely.</p>
<p>Knowing and understanding the road rules <i>The Jury recommends a permanent change to the drivers' licence permit process which includes:</i></p> <ul style="list-style-type: none"> <li>Combining the two handbooks (<i>The Drivers Handbook and Cycling and the Law</i>) into one publication.</li> <li>A minimum of two questions on cycling in the learners test to be compulsory one each in part A &amp; B</li> </ul> <p><i>The Jury also recommends two trials are developed:</i></p> <ul style="list-style-type: none"> <li>A trial focussed on informing</li> <li>A trial focussed on assessment.</li> </ul>	<p><b>Full support with extensions</b> Public awareness of the road rule amendment is a key component of behaviour change.</p> <p>Extend this recommendation by: <i>For driver licence permits:</i></p> <ul style="list-style-type: none"> <li>Including a provision that all on-road tests must incorporate cycling related interaction (e.g. with bike riders, cycling infrastructure or cycling related safety behaviour; head check before opening the vehicle door)</li> <li>Failure to safely interact with bike riders in the skills test, should be considered a critical fail</li> </ul> <p><i>For licence renewals:</i></p> <ul style="list-style-type: none"> <li>What are the consequences for applicants who fail the cycling related questions and skills test?</li> </ul>
<p>Cycling on footpaths <i>The Jury recommend that changes in legislation be made to allow cycling on footpaths when there is no safer alternative.</i></p>	<p><b>Partial support</b> Bike riding on footpaths can be preferable at some points alongside the road, however, bike riders are legitimate road users and our aim is for all road users to share the road safely.</p>

Recommendations	Amy Gillett Foundation response
<p>Improve cycling infrastructure <i>The Jury recommends some improvements in infrastructure are undertaken. Specifically, these include:</i></p> <p>Cycle lanes <i>The Jury recommends that cycle lanes are interconnected and continuous. This is a priority for the Jury. The Jury recommends that maintenance of cycle routes/lanes is undertaken regularly to ensure a safe riding environment (fixing of potholes, removal of debris). The Jury recommends that a realistic minimum cycle lane width be established based on Australian standard. The Jury recommends that future roads in South Australia should be planned to include adequate interconnected cycle paths and lanes.</i></p> <p>Greenways <i>The Jury recommends that existing greenways and bike tracks are connected and extended throughout Adelaide metropolitan areas and rural/Adelaide hills centres. The Jury also recommend the establishment of new greenways and bike tracks in areas which are lacking a safe existing alternative.</i></p> <p>Bike storage <i>The Jury recommend that secure bike cages be constructed at all major train stations and bus terminals to encourage more cycling and the use of public transport. The Jury also recommend trialling the installation of bike racks on the front of buses.</i></p> <p>Safer intersections <i>The Jury recommends that 'green boxes' should be installed at all major intersections across the width of the carriageway.</i></p>	<p>Legislation varies around Australia, with cycling on footpaths permitted for bike riders of any age in Queensland, Australian Capital Territory, Northern Territory and Tasmania. We would be happy to work with the Government on exploring the options available to maximise safety for all people when sharing roads and paths, and to align legislation nationally wherever possible.</p> <p><b>Full support</b></p>
<p>New and improved cycle lane markings <i>The Jury recommends a field trial that tests a number of options for improving cycle lane markings be conducted.</i></p>	<p><b>Full support</b></p>

<p><b>Speed and Traffic Flow</b> <i>The Jury recommend trials of reduced speed and altered traffic flow in residential and denser areas in the Adelaide CBD, metropolitan hubs and regional town centres. These trials should be conducted for a defined trial period.</i></p>	<p><b>Full support</b> We strongly support the trial of 40km/h speed zones in the areas nominated and would be happy to work with the Government and relevant local government authorities to ensure effective implementation and evaluation of the trials.</p>
<p><b>Collaborative Media and Messaging</b> <i>The Jury recommends a collaborative creative safe roads campaign that stakeholders such as DPTI, RAA, Motor Accident Commission, SARTA, Bike SA, Local and State Government support collectively.</i></p>	<p><b>Full support</b> We are happy to share the experience from our successful collaboration with multiple stakeholders to implement <i>Cycle Safe Communities</i> in dozens of jurisdictions across Australia, and the <i>It's a two-way street</i> road safety campaigns in NSW and Tasmania. The <i>It's a two-way street</i> campaign is available for use by the SA Government.</p>
<p><b>Annual 'safe cycling environment' award</b> <i>The Jury recommends that two State Government awards be given annually to one urban and one regional council that successfully implements new cycling and road-sharing initiatives that promote best practice.</i></p>	<p><b>Full support</b> We would like to suggest the award be called 'Amy's Award' in recognition of Amy Gillett's links to South Australia. We can provide advice for this initiative, drawing on our experience with helping local councils to design and implement their safe cycling plans including <i>Cycle Safe Communities</i>. We would also be happy to participate in an annual assessment panel.</p>
<p><b>High Visibility Initiatives</b> <i>The Jury recommends that initiatives and laws related to visibility continue and where appropriate are enhanced.</i></p>	<p><b>Partial support</b> We welcome the Jury's comment that this recommendation "...applies to the use of lights and reflectors, and not high-visibility vests and clothing."  We are unsure what the Jury means by 'bike helmet visibility'.  We support various initiatives to improve bike rider visibility and would be happy to work with the Government to implement this recommendation.</p>

## Attachment 1: Draft legislation to specify a minimum overtaking distance when passing bike riders

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Submitted Bill: Road Traffic (Overtaking Bicycles) Amendment bill  
An Act to amend the Road Traffic Act 1961  
Link: <http://www.austlii.edu.au/au/legis/sa/bill/rtbab2013383/>

### The Parliament of South Australia enacts as follows:

#### Part 1—Preliminary

##### 1—Short title

This Act may be cited as the *Road Traffic (Overtaking Bicycles) Amendment Act 2013*.

##### 2—Commencement

This Act will come into operation 2 months after the day on which it is assented to by the Governor.

##### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

#### Part 2—Amendment of [Road Traffic Act 1961](#)

##### 4—Insertion of section 92

After section 91 insert:

##### 92—Overtaking or passing bicycles

- (1) A driver of a motor vehicle must, while overtaking or passing a person who is riding a bicycle, ensure that at least the prescribed minimum distance is maintained at all times between the motor vehicle and the bicycle.
- (2) The driver of a motor vehicle who is overtaking or passing the rider of a bicycle in accordance with [subsection \(1\)](#) may, for that purpose—
  - (a) drive to the right of a dividing line or the centre of the road in accordance with rule 139 of the [Australian Road Rules](#); or
  - (b) drive in more than 1 marked lane or line of traffic (provided that in moving to do so he or she gives way in accordance with rule 148 of the [Australian Road Rules](#) as if moving from 1 marked lane or line of traffic to another); or
  - (c) cross a continuous line separating marked lanes as if rule 147 of the [Australian Road Rules](#) applied.
- (3) In this section—
  - (a) ***centre of the road, dividing line, give way, line of traffic, marked lane and overtake*** have the same respective meanings as in the [Australian Road Rules](#);  
***passing***, in relation to the driver of a motor vehicle passing the rider of a bicycle, does not include passing a rider who is travelling in the opposite direction to that in which the driver is travelling;  
***prescribed minimum distance***, in relation to the driver of a motor vehicle overtaking or passing the rider of a bicycle, means —
    - (i) if the speed limit applicable to the driver of the motor vehicle for the length of road on which the driver is driving does not exceed 60 kilometres per hour—1 metre;
    - (ii) if the speed limit does exceed 60 kilometres per hour—1.5 metres,

where the distance is measured horizontally between the extremities of the motor vehicle and bicycle extended in a vertical plane;

- (b) a reference to a motor vehicle or bicycle includes a reference to the following:
    - (i) the whole of the motor vehicle or bicycle, including the driver or rider and any passenger, equipment, load or attachment;
    - (ii) the whole of any vehicle being towed by the motor vehicle or bicycle, including any passenger, equipment, load or attachment;
  - (c) a reference to the [\*Australian Road Rules\*](#) is a reference to the rules as in force at the time this section comes into operation.
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