Minimum overtaking distance

AGF position, rationale and the evidence

www.amygillettf.org.au
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Minimum overtaking distance – it’s time

The Amy Gillett Foundation (AGF) is working towards amending the road rules across Australia to introduce a specified minimum overtaking distance when drivers pass bicycle riders.

Road rules are fundamental to a safe and efficient road environment. Road rules can contribute to a safe physical space and a safe legislative space. However, these safety gains are only realised if there is a high level of awareness and education about road rules, effective and efficient road transport for all road users is maintained and the safe behaviour underpinned by law becomes the practiced norm. The laws need to be actively enforced with penalties imposed on all road users who infringe and endanger other road users. Repeatedly, this has not been the case for road rules intended to ‘protect’ bicycle riders.

Legislative amendment, with appropriate education and enforcement, to mandate a minimum overtaking distance when drivers pass bicycle riders is currently the single most important action needed to reduce bicycle rider fatalities.

Current national, state and territory road rules require drivers to allow sufficient overtaking distance when passing a bicycle rider. Sufficient is an inadequate and unclear instruction that has repeatedly not protected bicycle riders. Amendments to road rules to specify a minimum overtaking distance are critical to improving the safety of bicycle riders.

It is the responsibility of all drivers to allow a safe distance when passing bicycle riders.

The most common bicycle rider fatality crash type is being hit from behind by a motor vehicle that was travelling in the same direction. In these crashes, responsibility is with the driver; the bicycle rider has no ability to protect themselves and often cannot take any evasive action to avoid the crash.

AGF a metre matters campaign – how we got here

The Amy Gillett Foundation is a national charity with one purpose – to reduce the incidence of death and serious injury of bicycle riders. The Foundation’s Manifesto for safer bicycle riding in Australia sets out the key actions that need to be taken to create a safe cycling environment while maintaining an efficient road network for all road users, a key element is the a metre matters campaign.

The Federal Government’s Walking, Riding and Access to Public Transport report highlighted the health benefits associated with riding a bicycle. It also acknowledged that riding a bicycle is becoming increasingly popular as a mode of transport. However, action to create a safe cycling environment has been lacking.

The a metre matters campaign is the longest running AGF campaign, launched in November 2009 by the then Federal Minister for Transport, the Honourable Anthony Albanese, on the steps of New Parliament House.

The message of the campaign is that when overtaking bicycle riders, drivers need to allow a minimum overtaking distance of one metre. The genesis of the campaign arose from the literature reviewed in an AGF-sponsored research project (Safe Family Research scholarship), in particular, a report from the Australian Transport Safety Bureau that found being hit from behind was the crash type that resulted in the highest number of bicycle rider fatalities.

The campaign is based around a simple premise – drivers not hitting bicycle riders.

This is the fundamental change needed to improve bicycle rider safety.

Initially, a metre matters was an education and awareness raising campaign. In late 2012, the

1 Walking, Riding and Access to Public Transport report, Department of Infrastructure and Transport July 2013
Minimum Overtaking Distance: AGF position, rationale and the evidence
Release 3, October 2014
campaign graphics were revised and vehicle types were extended to include a bus and a truck (see Figure 1). The message has been widely disseminated via AGF merchandise, AGF mass participation cycling event jerseys, stickers, wallet protectors, backpack covers, roadside billboards and outdoor advertising shells used in public transport stops. Through a corporate partnership with rental car company Europcar, the *a metre matters* message has been added to swing-tags hung on the rear vision mirror of 70,000 rental cars and a rear windscreen sticker was attached to the entire national Europcar fleet. Additionally, through a partnership with global logistics company Toll, the *a metre matters* message has been added to trucks, two of which are utilised in every capital city around Australia.

![Figure 1 a metre matters current graphics](image)

From 2009 to 2012, the focus of the campaign was on education and awareness, however, in early 2013 this shifted. The court finding following the death of Richard Pollett was the catalyst for us to extend our campaign and take direct action to push for legislative change.

In 2011, Richard Pollett aged 22 years was riding his bicycle on Moggill Road in Kenmore, Brisbane when he was killed after being hit by a cement truck that was travelling in the same direction. The driver thought he had enough space to safely overtake – he was wrong and the rear tyres of the truck struck Richard. The driver of the truck was accused of driving dangerously and causing the death of a cyclist. In May 2013, the Brisbane District Court jury returned a not guilty verdict and decided that it was reasonable that the driver presumed to have adequate space. The driver was freed without charge.

This outcome was clear evidence that the existing law and level of awareness of the need for a minimum safe passing distance are not enough to keep bicycle riders safe.

Our actions to push for legislative change has been multi-pronged and included: coordinating an online forum to encourage people to send letters to their local members of government, raising the issue of minimum passing distance in Parliamentary inquiries, direct discussions with members of Parliament and a national petition calling for the model Australian Road Rules to be amended to include minimum overtaking distance legislation. Each time we created new documents to support our position and provide evidence for each audience – this document draws together those documents into one place.

**This document**

This document is the AGF reference document which provides a single comprehensive report of evidence that supports our push for legislative amendment to introduce a minimum overtaking distance when drivers pass bicycle riders.

This document is presented to provide detailed information about the current actions being taken by the AGF. This living document will be updated as we progress, the current version will be available online, accessible to everyone.
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1. Campaign – current status

This is a summary of the AGF activities and the progress towards amending national, state and territory road rules.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Status</th>
<th>RR amended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>The Australian Road Rules Maintenance Group is responsible for amendments to the model Australian Road Rules. The AGF presented a submission to this group in December 2013. Ultimately, the group decided to not progress with any recommendation. In April a petition with nearly 30,000 signatures was tabled in the House of Representatives calling for the model Australian Road Rules to be amended to include minimum passing distance legislation.</td>
<td></td>
</tr>
<tr>
<td>Australian Capital Territory</td>
<td>The Standing Committee on Planning, Environment and Territory and Municipal Services conducted an Inquiry into Vulnerable Road Users. The Committee returned 28 recommendations, including a trial of minimum overtaking distance legislation. In September 2014 the ACT Govt responded, committing to explore a trial of the proposed legislation.</td>
<td></td>
</tr>
<tr>
<td>New South Wales</td>
<td>A statewide campaign, <em>It’s a two-way street</em>, is currently underway, funded and endorsed by the NSW Government. The campaign centres on the <em>a metre matters</em> campaign and provides rules to educate both motorists and bike riders to create a better level of awareness of how to improve safety on the road.</td>
<td></td>
</tr>
<tr>
<td>Northern Territory</td>
<td>According to the Northern Territory (NT) Traffic Regulations, the road rules are made as regulations under the Australian Road Rules. Therefore we anticipate that the changes to the Australian Road Rules will lead to an adoption of those amendments in the NT. Action is yet to be taken in the NT by the AGF.</td>
<td></td>
</tr>
<tr>
<td>Queensland</td>
<td>The Queensland Transport, Housing and Local Government Committee as part of their Inquiry into Cycling Safety Issues, recommended a trial of minimum overtaking distance legislation. This recommendation was endorsed immediately by Qld Transport Minister Scott Emerson and a two year legislative trial began on 7 April 2014.</td>
<td></td>
</tr>
<tr>
<td>South Australia</td>
<td>Participation in the Citizens’ Jury appointed to explore the tension between motorists and bike riders as well as methods that can be implemented to reduce conflict and improve safety.</td>
<td></td>
</tr>
<tr>
<td>Tasmania</td>
<td>In October 2014, Tasmania implemented a statewide campaign mirroring the NSW <em>It’s a two-way street</em> awareness and education campaign. The AGF is also an expert member of the Cycling Safety Steering Committee, providing bicycle specific advice to the Road Safety Advisory Council</td>
<td></td>
</tr>
<tr>
<td>Victoria</td>
<td>Leader of the Victorian Greens, Greg Barber MLC, introduced a minimum overtaking distance Bill to the Victorian Parliament.</td>
<td></td>
</tr>
<tr>
<td>Western Australia</td>
<td>Lynn MacLaren MLC introduced a minimum overtaking distance Bill to the WA Parliament.</td>
<td></td>
</tr>
</tbody>
</table>
2. The rationale – why we need a specified minimum distance

“One metre should be the barest minimum allowed by law. It is not safe to overtake if there is not a distance of at least one metre.”

Dr Bruce Flegg MP

The Amy Gillett Foundation is calling for action to amend the Australian Road Rules to legislate that drivers allow a minimum of one metre when overtaking bicycle riders on the road.

Why is this important?

The human trauma costs of cycling in Australia are unacceptable. On average, bicycle related crashes result in 35 fatalities and over 9,500 serious injuries every year. Bicycle riders need better protection on Australian roads.

In 2014 so far, 36 bicycle riders have died on our roads. In 2013 a total of 50 bike riders lost their lives.

While the number of people in 2013 has increased to 8.7 million, and the national target is to double by 2016 (from 2011) – participation gains must not lead to more people being killed or injured.

Too often road safety is about statistics but behind each statistic is a person. Listed below are brief descriptions of some of the people who were killed in 2013 because a driver did not allow enough space on the road when attempting to overtake them. These senseless tragedies have been highlighted to provide some of the real stories of bicycle rider fatality crashes.

<table>
<thead>
<tr>
<th>Bicycle riders who have been killed following an overtaking-related crash with a vehicle, so far in 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not named 19 years</td>
</tr>
<tr>
<td>A male bicycle rider was killed after being struck by a truck at approximately 6.15pm.</td>
</tr>
<tr>
<td>Not named 20’s</td>
</tr>
<tr>
<td>A male bicycle rider, believed to be in his twenties, was killed after being struck by a car at approximately 11.15am. The driver was taken to hospital for mandatory blood and urine testing.</td>
</tr>
<tr>
<td>Not named 87 years</td>
</tr>
<tr>
<td>A male bicycle rider, aged 87 years, was killed after being struck by a vehicle.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bicycle riders who have been killed following an overtaking-related crash with a vehicle, so far in 2013</th>
</tr>
</thead>
</table>
| **Marc Simone**  
44 years  
Killed  
16 February 2013  
M4 Motorway, NSW  |
| Marc was killed while training for a charity bicycle ride from the Blue Mountains to Darwin. Marc was struck by a 4WD on Sydney’s M4. |
| **Not named**  
39 years  
Killed  
30 March 2013  
Lambton Rd,  
Broadmeadow, NSW  |
| A male bicycle rider, aged 39 years, was killed after being struck by a vehicle. |
| **Brendan Lynch**  
52 years  
Killed  
31 March 2013  
Hume Hwy, Beveridge, Vic  |
| Brendan Lynch, a decorated Victorian Police Officer, was killed riding his bicycle from Benalla to Melbourne, an annual ride he undertook on his birthday. He was killed after being struck by a bus on the Hume Highway. |
| **Not named**  
Killed  
2 May 2013  
Redcliffe Rd, Humpty Doo,  
NT  |
| A female bicycle rider was killed after being struck by a 4WD on Redcliffe Rd in the Northern Territory. |
| **Tanya Roneberg**  
37 years  
Killed  
11 May 2013  
Captain Cook Hwy, Cairns,  
Qld  |
| Tanya was killed while riding alone on a training ride at approximately 7am. She was struck from behind by a utility vehicle travelling in the same direction. The 19 year-old male driver was been charged with drink driving and dangerous operation of a motor vehicle. |
| **Ebenezer Nur**  
11 years  
Killed  
27 May 2013  
Bacchus Marsh Rd, Corio,  
Vic  |
| Ebenezer Nur was riding his bike to school when he was struck and killed by a bus. His family had migrated from Ethiopia less than a year earlier. |
| **Not named**  
Killed  
2 June 2013  
Mountain Highway, The  
Basin, Vic  |
| A bicycle rider was killed after being struck by a 4WD while negotiating a roundabout at The Basin, in the foothills of Melbourne’s Dandenong Ranges. |
## Bicycle riders who have been killed following an overtaking-related crash with a vehicle, so far in 2013

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Gender</th>
<th>Date of Death</th>
<th>Location</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maria Defino</td>
<td>35</td>
<td>Female</td>
<td>9 June 2013</td>
<td>Bunnerong Rd, Pagewood, NSW</td>
<td>Maria Defino was riding with her husband when she was struck from behind and killed. She was forced into a boat that was parked on the side of the road. Maria was pregnant.</td>
</tr>
<tr>
<td>Not named</td>
<td></td>
<td></td>
<td>18 June 2013</td>
<td>Fullarton Rd, Adelaide, SA</td>
<td>A bicycle rider was killed after being struck by a truck. Reports indicate the bicycle rider was knocked down and became trapped beneath the truck as it attempted to make a left hand turn.</td>
</tr>
<tr>
<td>Sue Bell</td>
<td>58</td>
<td>Female</td>
<td>22 June 2013</td>
<td>Shaw Rd, Townsville, Qld</td>
<td>Sue was killed while riding with friends when the driver of a truck attempted to overtake them and struck the riders. Sue was killed and her three friends were injured.</td>
</tr>
<tr>
<td>Craig Saunders</td>
<td>57</td>
<td>Male</td>
<td>5 August 2013</td>
<td>Channel Hwy, Huonville, Tas</td>
<td>Craig was enjoying a regular ride with a friend when he was struck from behind by a utility and killed.</td>
</tr>
<tr>
<td>Not named</td>
<td>35</td>
<td>Male</td>
<td>18 August 2013</td>
<td>Minmi Rd, Wallsend, NSW</td>
<td>A male bicycle rider, aged 35 years, was struck and killed by a truck. The fatality prompted calls from the community for an urgent upgrade to make the road safer, including widening and the inclusion of a shared path.</td>
</tr>
<tr>
<td>Myles Sparling</td>
<td>5</td>
<td>Male</td>
<td>22 September 2013</td>
<td>Narangba Rd, Kallangur, Qld</td>
<td>Myles, 5, was riding his bike with his mother, brother and grandparents. As they crossed Narangba Rd at the traffic lights he was struck and killed by a tip truck. The intersection is notorious for close misses with many saying the timing sequence of the lights do not allow enough time for safe passage.</td>
</tr>
<tr>
<td>Not named</td>
<td>32</td>
<td>Male</td>
<td>12 October 2013</td>
<td>Donnybrook Rd, Yan Yean, Vic</td>
<td>The male bicycle rider, aged 32, was struck from behind while riding on Donnybrook Rd, Yan Yean. The conditions were reported to be bright and clear.</td>
</tr>
</tbody>
</table>
## Bicycle riders who have been killed following an overtaking-related crash with a vehicle, so far in 2013

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Gender</th>
<th>Date</th>
<th>Location</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not named</td>
<td>69</td>
<td>M</td>
<td>14 October</td>
<td>McIntyre Rd, Modbury Heights, SA</td>
<td>The 81 year old male bicycle rider was struck at the intersection of McIntyre Rd and Golden Way, Modbury Heights. He was taken to hospital but died two days later from his injuries.</td>
</tr>
<tr>
<td>Michelle Smeaton</td>
<td>31</td>
<td>F</td>
<td>19 October</td>
<td>Carindale, Brisbane, Qld</td>
<td>Michelle Smeaton, 31, was riding home when the passenger-side front stabilising leg on a passing truck struck her. She died of her injuries.</td>
</tr>
<tr>
<td>Not named</td>
<td>41</td>
<td>M</td>
<td>26 October</td>
<td>Forest Rd, Bibra Lake, WA</td>
<td>The 41 year old cyclist was struck at the intersection of Forest and Stock Roads in Bibra Lake. After making a right turn into Stock Road he was struck from behind and died in hospital.</td>
</tr>
<tr>
<td>Lin Ya-Ruo</td>
<td>31</td>
<td>M</td>
<td>27 October</td>
<td>Lasseter Highway, NT</td>
<td>A 31 year old female cyclist was struck and killed by a tour bus while riding at night on the Lasseter Highway, near the Mount Ebenezer Roadhouse, 250km south west of Alice Springs.</td>
</tr>
<tr>
<td>Paulo Froes</td>
<td>45</td>
<td>M</td>
<td>30 October</td>
<td>Kissing Point Rd, Turramurra, NSW</td>
<td>Paulo Froes clipped the rear of a vehicle as he took evasive action to avoid it. The vehicle was slowing to allow another vehicle to reverse from a driveway. Paulo subsequently lost control and slid under an oncoming vehicle on the other side of the road.</td>
</tr>
<tr>
<td>Not named</td>
<td>64</td>
<td>M</td>
<td>31 October</td>
<td>Rosewood Rd, QLD</td>
<td>A 64 year old man was killed following a collision with a utility vehicle. Initial reports indicate the ute struck the cyclist from behind around 4:50pm.</td>
</tr>
<tr>
<td>Not named</td>
<td>40</td>
<td>F</td>
<td>12 November</td>
<td>Princes Highway, NSW</td>
<td>The 40 year old woman was struck at 11am by a truck near the corner of Talbot St and Princes Highway, Sydney.</td>
</tr>
</tbody>
</table>
What will a minimum overtaking distance law mean?

The law will provide a protective space that will significantly reduce the risk of bicycle rider crashes. A minimum overtaking distance of one metre provides absolute and practical clarity as it:

- will improve safety for bicycle riders
- will provide the definition of a specified distance
- recognises bicycle riders as legitimate road users that are more vulnerable than other road users
- recognises that bicycle riders need the protection of space when sharing roads with drivers
- provides drivers with a clear, easily recognised measure when overtaking bicycle riders – otherwise drivers must slow down and wait
- reduces the risk of bicycle rider-driver crashes, and bicycle rider crashes resulting from being side-swiped (but not hit) by motor vehicles
- is enforceable; it allows a law enforcement officer/witness to readily evaluate a driver’s actions
- will maintain efficiency for all road users across the road transport system
- will include greater separation for higher speed zones (1.5m in speed zones over 60km/h)
- provides bicycle riders with space to avoid obstacles (e.g. glass, pot holes)
- will ultimately reduce bicycle rider fatalities and serious injuries

‘At least a metre’ is already recommended in Australia

In Australia, most states and territories already recommend that drivers leave at least one metre when overtaking a bicycle rider. This recommendation is included in the driver’s licence handbooks. But currently, the law does not require it and many drivers are not aware of the recommendation.

Amendments to the road rules will legislate this common sense recommendation and must be accompanied by an effective awareness campaign.
The critical amendment

The main road rule that relates to safe overtaking behaviour is the Australian Road Rule (ARR) 144. There are variations in many states and territories; these are individually addressed in Section 5 of this document.

The primary rule (and its equivalent state/territory road rule) which requires change to address minimum overtaking distance when passing bicycle riders currently states:

144 Keeping a safe distance when overtaking
A driver overtaking a vehicle:
(a) must pass the vehicle at a sufficient distance to avoid a collision with the vehicle or obstructing the path of the vehicle; and
(b) must not return to the marked lane or line of traffic where the vehicle is travelling until the driver is a sufficient distance past the vehicle to avoid a collision with the vehicle or obstructing the path of the vehicle.

The lack of a clear measurement of a sufficient distance means that drivers can make subjective decisions – these decisions have led to bicycle riders being killed.

Specifying that drivers must allow a minimum of one metre at all times when overtaking bicycles/bicycle riders will provide clear guidance to drivers about what is a safe overtaking distance.

AGF recommended amendments to ARR144
We have marked up ARR144 with our recommended amendments in red text.

144 Keeping a safe distance when overtaking
(1) A driver overtaking a vehicle:
   (a) must pass the vehicle at a sufficient distance to avoid a collision with the vehicle or obstructing the path of the vehicle; and
   (b) must not return to the marked lane or line of traffic where the vehicle is travelling until the driver is a sufficient distance past the vehicle to avoid a collision with the vehicle or obstructing the path of the vehicle.

(2) For the purposes of this subsection 144(1)(a), a sufficient distance for passing a bicycle means:
   (a) a lateral distance of not less than 1 metre if the applicable speed-limit does not exceed 60 km/h; and
   (b) a lateral distance of not less than 1.5 metres if the applicable speed-limit exceeds 60 km/h.

Notes
A sufficient distance for subsection 144(2), is the lateral distance measured from the furthest right side of the bicycle or bicycle’s rider to the left side of the driver’s vehicle including mirrors or other projections including trailers and other attachments.

This ARR applies at all times, including when the bicycle rider is travelling in a marked bicycle lane.

The notation to ARR144 clearly specifies the lateral distance of not less than 1 metre when overtaking bicycle riders, which is increased to a minimum distance of 1.5 metres in speed limits greater than 60km/h. Amendments to additional road rules that relate to safe overtaking behaviour are also required, the relevant road rules in each jurisdiction are addressed in Section 5.
### The facts

<table>
<thead>
<tr>
<th>Issue</th>
<th>Facts</th>
</tr>
</thead>
<tbody>
<tr>
<td>An overtaking distance law is a backward step that would leave bicycle riders more vulnerable</td>
<td>Currently road rules state that drivers need to allow ‘sufficient distance’. This is determined by the driver’s discretion and provides drivers with no guidance about a minimum safe distance. A minimum overtaking distance law allows a margin of error for bicycle riders and drivers. Countries in Europe including France and Belgium, and nearly half the states in the USA have minimum overtaking distance legislation (refer to Section 3).</td>
</tr>
<tr>
<td>Why one metre and not more, or less?</td>
<td>One metre is the <strong>minimum</strong>. This is a practical and identifiable distance. In lower speed zones, one metre minimum allows room for safe overtaking while maintaining efficient flow of vehicles. The AGF recommends greater minimum overtaking distance at higher speed zones. The AGF recommendations are: 1m minimum speed zones up to and including 60km/h 1.5m minimum speed zones over 60km/h The <strong>minimum</strong> distance is at least 1m or 1.5m in higher speed zones. This is not a ‘fixed distance’ suggested in some counter arguments.</td>
</tr>
<tr>
<td>Why don’t some ‘benchmark’ European bicycle friendly countries have this law?</td>
<td>There are existing overtaking laws in several European countries that specify a minimum overtaking distance, for example Belgium, Portugal and France (refer to Section 3). In countries with a high rate of cycling participation, Europeans enjoy a bicycle-inclusive environment and bicycle-friendly culture after decades of direct action. Countries such as the Netherlands and Denmark have gone far beyond a minimum overtaking distance to achieve acceptance of bicycles including: 30km/h urban speed limits, car-free zones and default liability schemes (the driver is automatically held responsible in the event of a collision with a bicycle rider, unless they can prove otherwise). A minimum overtaking distance is a first step, Australia has a long way to go to achieve the acceptance of cycling that exists in Europe.</td>
</tr>
<tr>
<td>The notion of a measured distance would make evidence gathering difficult</td>
<td>It is standard practice to use measurements in the Australian Road Rules that are clear, effective and enforceable, for example drivers must not travel in a bicycle lane or bus lane for more than 50m (refer to Section 4). One metre can be easily approximated physically or visually and exactness would not need to be proven to the ‘centimetre’.</td>
</tr>
<tr>
<td>Existing law prohibits driving across single or double solid lines</td>
<td>Existing laws allow drivers to cross solid lines to avoid an obstruction when there is a clear view of traffic, it is necessary and reasonable to do so safely. The proposed amendments would include permitting this action when overtaking bicycle riders. There is precedence for this inclusion in the UK road rules.</td>
</tr>
<tr>
<td>The proposed legislation will have a significant impact on drivers</td>
<td>All ARRs have an impact on the free use of the road by all road users, in order to maximise safety and maintain the efficiency of the road transport system. This proposal is no different. The proposed minimum overtaking distance simply requires drivers to be patient and wait, that is ‘give way’ in order to leave at least one metre. Give Way is a fundamental premise in the Australian Road Rules.</td>
</tr>
<tr>
<td>What’s the benefit for drivers?</td>
<td>The amendment will provide drivers with practical information about how to overtake bicycle riders safely. Currently the guidance is unclear and allows subjective judgement, with potentially fatal outcomes.</td>
</tr>
</tbody>
</table>
### Issue: Will this affect the right of bicycle riders to filter to the left of vehicles on approach to intersections?

- The proposed amendments apply to drivers of motor vehicles overtaking bicycle riders, not to bicycle riders overtaking vehicles or filtering.
- We do not propose to alter the filtering law for bicycle riders.

### Separation is where the largest safety gains can be made

- Bicycle riders and drivers cannot be totally separated. Even in the idyllic examples in Europe, bicycle riders and drivers must share some of the road space.
- A Safe System is achieved through a concerted effort with safer roads (including separated bicycle lanes and paths), safer speeds, safer vehicles and safer people (i.e., behaviour). No single element will achieve optimal road safety targets.
- While we continue to retrofit bike lanes and paths, when separation is not possible, ‘space’ in a shared environment is fundamental. Requiring drivers to leave a minimum of one metre is the best way to provide a safe space for bicycle riders when sharing the road.

### Hit from behind crashes are a very small proportion of total crashes

- *Hit from behind crashes* are the crash type most likely to kill a bicycle rider.
- Reducing *hit from behind crashes* will directly reduce the number of bicycle riders killed on our roads.

### Is it easily communicated?

- Yes.
- Currently most states/territories have existing guidelines that recommend drivers leave at least one metre when overtaking bicycle riders.
- State/territory governments have set behaviour expectation precedents, an important requisite of effective legislative change.
- By amending the road rules using consistent language, the messaging could be delivered to all road users nationally.
3. Precedent

**Australia**

States and Territories in Australia currently provide the following guidance for drivers when overtaking bicycle riders.

<table>
<thead>
<tr>
<th>State</th>
<th>Link</th>
<th>Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern Territory</td>
<td><a href="http://www.transport.nt.gov.au/__data/assets/pdf_file/0006/19923/section3.pdf">http://www.transport.nt.gov.au/__data/assets/pdf_file/0006/19923/section3.pdf</a></td>
<td>When you overtake you must: give at least 1 metre clearance when overtaking a bicycle. If this clearance is not possible do not overtake until it is safe to do so. After overtaking, make sure you are well clear of the bicycle before moving back.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 1m when passing a cyclist in a 60km/h or less speed zone or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 1.5m where the speed limit is over 60km/h.</td>
</tr>
<tr>
<td>Western Australia</td>
<td><a href="http://www.ors.wa.gov.au/Demographic-Pages/I-Am-A-Driver/Sharing-the-Road">http://www.ors.wa.gov.au/Demographic-Pages/I-Am-A-Driver/Sharing-the-Road</a></td>
<td>As a driver, you should share the road with cyclists and be aware of their movements at all times. Cyclists may need to ride slightly away from the kerb or gutter at times due to debris and other hazards. They should be given at least one metre of space when being overtaken. Remember that bicycles are regarded as a vehicle, so cyclists have the same rights as a motor vehicle driver.</td>
</tr>
</tbody>
</table>

We are tracking the status of overtaking guidelines and legislation in each state and territory in Australia (see Figure 2). The ultimate aim is to turn the map of Australia from grey (guidelines only) and white (no guidelines or legislation) to pink (legislation).
USA

Like Australia, the United States of America does not traditionally have a bicycle-inclusive approach to bike use. Similarly, there is a need to provide a safe space for bicycle riders as they travel across the vast road network.

Laws that require drivers to leave a minimum 3-feet (0.91m) lateral distance when overtaking bicycle riders have been implemented in 23 states in the United States. One state has implemented a 4-feet rule (Pennsylvania); another has introduced a 2-feet rule (Virginia). In Texas, despite the lack of a state law, several cities have implemented the 3-feet law including Austin, Fort Worth, Beaumont, El Paso, Helotes, New Braunfels, San Antonio and Denton.

In 19 other states other laws exist that require drivers to allow a ‘safe distance when overtaking a bicycle rider’. 
### Current US states with minimum overtaking legislation

<table>
<thead>
<tr>
<th>State</th>
<th>Statute</th>
<th>Summary of Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>A.R.S. § 28-735</td>
<td>Exercise due care by leaving a safe distance between the motor vehicle and the bicycle of not less than three (3) feet until the motor vehicle is safely past the overtaken bicycle.</td>
</tr>
<tr>
<td>Arkansas</td>
<td>A.C.A. § 27-51-311</td>
<td>Exercise due care and pass to the left at a safe distance of not less than three (3) feet and shall not again drive to the right side of the roadway until safely clear of the overtaken bicycle.</td>
</tr>
<tr>
<td>California</td>
<td>21760.3</td>
<td>A driver of a motor vehicle shall not overtake or pass a bicycle proceeding in the same direction on a highway at a distance of less than three feet between any part of the motor vehicle and any part of the bicycle or its operator.</td>
</tr>
<tr>
<td>Colorado</td>
<td>C.R.S. 42-4-1002</td>
<td>Allow the bicyclist at least a three (3) foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times.</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Conn. Gen. Stat. § 14-232</td>
<td>A &quot;safe distance&quot; means not less than three (3) feet when the driver of a vehicle overtakes and passes a person riding a bicycle.</td>
</tr>
<tr>
<td>Delaware</td>
<td>21 Del. C. § 4116</td>
<td>Proceed with caution and reduce the speed of the vehicle to a safe speed and leave a reasonable and prudent distance by providing a minimum of three (3) feet of clearance while passing such bicyclist.</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Rule 18-2202.10</td>
<td>Exercise due care by leaving a safe distance, but in no case less than three (3) feet, when overtaking and passing a bicycle.</td>
</tr>
<tr>
<td>Florida</td>
<td>Fla. Stat. § 316.083</td>
<td>Must pass the bicycle or other non-motorized vehicle at a safe distance of not less than three (3) feet between the vehicle and the bicycle or other non-motorized vehicle.</td>
</tr>
<tr>
<td>Georgia</td>
<td>O.C.G.A. § 40-6-56</td>
<td>Leave a safe distance between such vehicle and the bicycle and shall maintain such clearance until safely past the overtaken bicycle. The term &quot;safe distance&quot; means not less than three (3) feet.</td>
</tr>
<tr>
<td>Illinois</td>
<td>625 ILCS 5/11-703</td>
<td>Leave a safe distance, but not less than three (3) feet, when passing the bicycle or individual and shall maintain that distance until safely past the overtaken bicycle or individual.</td>
</tr>
<tr>
<td>Kansas</td>
<td>K.S.A. § 8-1516</td>
<td>Pass to the left at a distance of not less than three (3) feet and do not drive to the right side of the roadway until the vehicle is safely clear of the overtaken bicycle.</td>
</tr>
<tr>
<td>Louisiana</td>
<td>La. R.S. 32:76.1</td>
<td>Pass with not less than three (3) feet and maintain such clearance until safely past the overtaken bicycle.</td>
</tr>
<tr>
<td>Maine</td>
<td>29-A M.R.S. § 2070</td>
<td>Pass with a distance between the motor vehicle and the bicycle of not less than three (3) feet.</td>
</tr>
<tr>
<td>Maryland</td>
<td>Md. TRANSPORTATION Code Ann. § 21-1209</td>
<td>Must pass safely at a distance of not less than three (3) feet.</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Minn. Stat. § 169.18</td>
<td>Leave a safe distance, but in no case less than three (3) feet clearance, when passing a bicycle or individual and maintain clearance until safely past the overtaken bicycle or individual.</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Miss. Code Ann. § 63-3-1309</td>
<td>Leave a safe distance of not less than three (3) feet between the vehicle and the bicyclist and maintain such clearance until safely past the bicycle.</td>
</tr>
<tr>
<td>Nebraska</td>
<td>LB 1030</td>
<td>Always allow three (3) feet to the left of the bicycle when...</td>
</tr>
<tr>
<td>State</td>
<td>Statute</td>
<td>Summary of Laws</td>
</tr>
<tr>
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</tr>
<tr>
<td>Nevada</td>
<td>Nev. Rev. Stat. Ann. § 484B.270</td>
<td>Must pass to the left with no less than three (3) feet between any portion of the vehicle and the bicycle.</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>RSA 265:143-a</td>
<td>Leave a reasonable and prudent distance between the vehicle and the bicycle. The distance shall be presumed to be reasonable and prudent if it is at least three (3) feet when the vehicle is traveling at 30 miles per hour or less, with one additional foot of clearance required for every 10 miles per hour above 30 miles per hour.</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>47 Okl. St. §11-1208</td>
<td>Pass with a safe distance between the motor vehicle and the bicycle of not less than three (3) feet until the motor vehicle is safely past the overtaken bicycle.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>75 Pa.C.S. § 3303</td>
<td>Pass to the left of the pedal cycle within not less than four (4) feet at a careful and prudent reduced speed.</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Tenn. Code Ann. § 55-8-175</td>
<td>Leave a safe distance between the motor vehicle and the bicycle of not less than three feet (3) and shall maintain the clearance until safely past the overtaken bicycle.</td>
</tr>
<tr>
<td>Utah</td>
<td>Utah Code Ann. § 41-6a-706.5</td>
<td>A motor vehicle may not knowingly, intentionally, or recklessly operate a motor vehicle within three (3) feet of a moving bicycle, unless the operator of the motor vehicle operates the motor vehicle within a reasonable and safe distance of the bicycle.</td>
</tr>
<tr>
<td>Virginia</td>
<td>46.2-839.</td>
<td>Any driver of any vehicle overtaking a bicycle... proceeding in the same direction shall pass at a reasonable speed at least two feet to the left ... and shall not again proceed to the right side of the highway until safely clear of such overtaken bicycle.</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Wis. Stat. § 346.075</td>
<td>Exercise due care, leaving a safe distance, but in no case less than three (3) feet clearance when passing the bicycle and maintain clearance until safely past the overtaken bicycle.</td>
</tr>
</tbody>
</table>
In contrast with Australia, countries in Europe are at the forefront of creating balanced safe transportation systems incorporating motor vehicles, public transportation, bicycles, and pedestrians. The combination of improved infrastructure, policies, urban speed reduction including widespread 30km/h zones, vulnerable road user legislation (drivers have presumed or default liability) and education have led to higher rates of bicycling and increased safety rates in many European cities. These factors have been cited as reasons why some countries may not have introduced minimum overtaking distance laws.

Numerous campaigns to establish minimum overtaking distance legislation are running concurrently in countries including the United States of America, the United Kingdom, South Africa and New Zealand. Countries confirmed with minimum overtaking distance law in addition to the US include Belgium (1m), France (1m in towns, 1.5m out of towns) and Portugal (1.5m). In addition, Nova Scotia, Canada has a minimum overtaking distance law of one metre and South Africa’s Western Cape province has similar legislation. The details of the laws are included below.

**Belgium**

Current road rule: The Highway Code, Article 40ter


The legislation in Belgium, translated into English, states:

1 DECEMBER 1975. - Royal Decree laying down general rules for the road traffic police and the use of public roads. [BS 12/09/1975]

Title II: Rules for the use of public roads

Article 40 ter. Behavior towards cyclists and drivers of two-wheeled mopeds

A cyclist or driver of a two-wheeled moped on public roads under the conditions provided for in these regulations does not endanger.
The driver of a car or a motorcycle
… must be double careful regarding cycling children and the elderly.
… must have a lateral distance of at least one meter to between his vehicle and the rider (cyclist) or driver of a two-wheeled moped.
… allow a crossing for cyclists and drivers of two-wheeled mopeds approaching at moderate speed in order not to endanger road users who are on are in danger and they do not interfere when they finish crossing the road at normal speed. If necessary, he should stop to let by driving them.
… allow a crossing for cyclists and drivers of two-wheeled mopeds do not drive up when traffic is obstructed so that he would probably have to stop.

France
Current road rule: Article R414-4, Code de le Route

Link: http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006177131&cidTexte=LEGITEX T00006074228&dateTexte=20080531

The legislation in France, translated into English, states:

Article R414-4
I. - Before overtaking, the driver must ensure that it is safe to do so.
II. - It cannot undertake the passing of a vehicle if:

1° It has the ability to resume its place in the normal flow of traffic without disturbing it;
2° The relative speed of the two vehicles will perform exceeded in a sufficiently short time.
3° is not itself about to be exceeded.

III. - It must also, if necessary, notify its intention that the user wants to pass.
IV. - To overtaking they should deport enough to not risk hitting the user that wants to overtake. It should not in any case be approached laterally within 1 meter in urban areas and 1.50 m out of town if it is an animal-drawn vehicle, a vehicle with two or three wheels, a pedestrian, a jumper or animal

Duty of Care (2008)

One of the four areas of work at the start of the reflection code of the street in France concerned the adoption of the precautionary principle (according to the Vienna Convention, 1968, ratified by France in 1992 but never transcribed in the Highway Code before 2008). Since the decree 2008-754 of 30 July 2008, this principle is in force in France. The following passage was introduced in the Highway Code:

"- The duty of care drivers vis-à-vis vulnerable road users: drivers must exercise extra care with regard to the most vulnerable users, as stated in Article 15 of Decree 2008

Article R412-6
Amended by Decree No. 2008-754 of 30 July 2008 - art. 15
I. All-moving vehicle or combination of vehicles in motion must have a driver. It must, at any time, adopt a prudent and respectful behavior towards other users open to traffic lanes. It must show extra care towards vulnerable road users especially.

Portugal
Current road rule: Article 38 of the Highway Code


The legislation in Portugal, translated into English, states:

Article 38.

Manoeuvre
1 - The **driver of a vehicle overtaking** should not start without making sure that they can perform without danger of colliding with vehicle transiting in the same direction or in the opposite direction.

2 - The driver should especially make sure that:

   a) The roadway is free in the length and breadth necessary to manoeuvre safely;
   b) You can resume right without danger to those around transit;
   c) No driver who follow the same route or which lies immediately to the Left began manoeuvring to overcome;
   d) The driver that precedes it in the same way does not signalled its intention to exceed a third vehicle or around an obstacle.
   e) In overtaking bicycles or pedestrian crossing or traversing find the side, **keeps the minimum lateral distance of 1.5 meters** and slows the speed.

3 - For the manoeuvre, the driver must take the side of the roadway for the movement in the opposite direction or if there is more than one route of traffic in the same direction , a transit route to the left of that which circulates overtaken vehicle.

4 - The driver must return to the right just to complete the manoeuvre and can do without danger.

5 - Anyone who contravenes the provisions of the preceding paragraphs shall be punished with a fine of € 120 to € 600.

**Nova Scotia, Canada**

Current road rule:  **Motor Vehicle Act, Chapter 293 of the Revised Statutes, 1989**

Link: [http://nslegislature.ca/legc/statutes/motor%20vehicle.pdf](http://nslegislature.ca/legc/statutes/motor%20vehicle.pdf)

Motor vehicle passing bicycle

171B  (1) A driver of a vehicle shall not pass a bicycle travelling in the same direction as the vehicle that is being ridden to the far right of the driver of the vehicle on the roadway, on the shoulder or in an adjacent bicycle lane unless

   (a) there is sufficient space to do so safely; and
   
   (b) the driver leaves at least one metre open space between the vehicle and the cyclist.

   (2) Notwithstanding subsection 115(2), a driver of a motor vehicle may cross a line to pass a bicycle in accordance with subsection (1) if the driver can do so safely as required by Section 100. 2010, c. 59, s. 10.

**Western Cape Province, South Africa**

Current road rule:  **Western Cape Provincial Road Traffic Administration Act, 2012**


Safety of Cyclists Regulations, 2013

Section 8(c)  Duties of driver of motor vehicle when passing cyclist

   (1) The driver of a motor vehicle who passes a cyclist on a public road must—

   (a) exercise due care while passing the cyclist;
   
   (b) leave a distance between the motor vehicle and the cyclist of at least one metre; and
   
   (c) maintain that distance from the cyclist until safely clear of the cyclist.
(2) Despite any solid barrier line or other road traffic sign prohibiting encroachment upon the right-hand side of the road, the driver of a motor vehicle on a public road may, where the roadway is not wide enough to comply with subregulation (1)(b) or

(c) when passing a cyclist, encroach on that part of the road to his or her right, but only if—

(a) it can be done without obstructing or endangering other persons or vehicles;
(b) it is safe to do so; and
(c) it can be done and is done for a period and distance not longer than is necessary to pass the cyclist.

Police action and enforcement – Austin, Texas

In Austin, Texas the Vulnerable Road Users Ordinance requires drivers to safely pass ‘defenceless’ road users including bicycle riders. The Ordinance requires that when passing bicycle riders, drivers must wait until it is safe to pass. If it is not safe to pass, the driver must slow down, follow the bicycle rider and wait for a safe opportunity. The Austin Police department have created a video clip on YouTube that clearly details the law and the requirements of drivers when overtaking bicycle riders.

Regular police blitzes targeting drivers who do not give bicycle riders enough space when passing has resulted in over 100 citations. Enforcement of the law is targeted and involved police officer training, video footage of the incident and direct response.

Effectiveness of minimum overtaking distance legislation

The effectiveness of implementation of minimum overtaking distance internationally manifests in the following ways:

- Consistency in ‘distance’ and ‘language’ from jurisdiction to jurisdiction improves effectiveness of the law. Of the 23 US states that have passed the law, the legal language defining the provision is largely consistent; at a minimum, each provision contains language which defines safe passing distance to be three feet
- Increased opportunity to train police officers on bicycle safety and the enforcement of all bicycle related laws
- Education of the law is essential for behaviour change. Specific education actions that have been used to promote minimum overtaking distance include:
  - licensing and road user handbooks
  - awareness of penalties
  - public campaigns and public service announcements
  - permanent roadside signage
- Implementation of a penalty, regardless of whether a crash occurs, demonstrates that the behaviour is the focus, rather than punishment ‘after the crime’. Where there has been criticism of minimum overtaking distance legislation, it is often the case that police are not aware of the law or are reluctant to fine drivers

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3 Austin Police YouTube video: [http://www.youtube.com/watch?v=aUtFluEODC0](http://www.youtube.com/watch?v=aUtFluEODC0)


Minimum Overtaking Distance: AGF position, rationale and the evidence

Release 3, October 2014
Minimum overtaking distance law could be strengthened by the introduction of laws that hold drivers to account for their actions, or fail to act, particularly when a bike rider is killed or seriously injured. Default responsibility and Vulnerable Road User laws provide international precedents; however such changes need to be adapted to the Australian legal framework, namely the Westminster system.

Organisations in Australia who support minimum overtaking distance legislation

Australia-wide individuals, groups, organisations, businesses and politicians have joined the AGF to call for the introduction of a one metre minimum overtaking distance legislation. Our push to legislate for a minimum overtaking distance is supported by the following organisations.

<table>
<thead>
<tr>
<th>Organisation Name</th>
<th>State</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cycling Australia</td>
<td>National</td>
<td>Cycling Org</td>
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<td>MTB Australia</td>
<td>National</td>
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<td>Triathlon Australia</td>
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<td>BikeExchange.com.au</td>
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<td>Sheppard Cycles Australia</td>
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Minimum Overtaking Distance: AGF position, rationale and the evidence
Release 3, October 2014
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The AGF website provided a facility for individuals to petition their local members of parliament, stating their support for the ‘a metre matters’ campaign. By visiting [http://www.amygillett.org.au/a-metre-matters](http://www.amygillett.org.au/a-metre-matters), constituents were able to identify their local member.

Users could then use a pre-formatted email which outlined the rates of cycling participation in Australia, the current recommendations (or lack of) by state transport authorities and the current human trauma costs attributed to riding a bicycle.

The email also provided a simple amendment to Australian Road Rule 144 – Keeping a safe distance when overtaking, which would include a legal requirement to leave a minimum of 1 metre when overtaking bicycle riders, a rule that would bring it into line with many European counties and US states.

A copy of the ‘a metre matters’ pre-formatted email is below:

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Start of Document
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Dear Member of Parliament,

*Protection for 4 million Australians*

*Call for legislation of 1 metre minimum when overtaking bicycle riders*

In 2011, 4 million people rode a bicycle in Australia, almost 20% of Australians.

The government is committed to doubling the number of people cycling by 2016 – which is great for health, leisure, the environment, congestion and community wellbeing.

But with 35 bicycle riders killed and 9,577 injured in the same year – the human trauma costs of cycling in Australia are unacceptable.

*Australian Road Rules are failing bicycle riders.*

**Distance when overtaking bicycle riders**

*At present every state transport authority (excluding Queensland and the ACT) ‘recommends’ drivers leave at least one metre when overtaking bike riders.*

This communication is clear and easily understood.

However, there is no active or prolonged encouragement for this recommended behaviour. At the same time transport authorities support that the road rules are designed to prescribe and enable enforcement of required safe behaviour.

Consequently translating what is already recommended driver behaviour into legislation is a logical and practical step to changing behaviour.

The existing Australian Road Rules including Rule 144, do not protect bicycle riders when being overtaken by drivers. Drivers are permitted to make judgement calls regarding a ‘sufficient distance to avoid a collision’.

**ARR 144—Keeping a safe distance when overtaking**
A driver overtaking a vehicle:

(a) must pass the vehicle at a sufficient distance to avoid a collision with the vehicle or obstructing the path of the vehicle; and

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

The tragic death of 25 year old, Richard Pollett, highlights the inadequacies of this regulation. Richard was riding his bicycle when he was killed after being struck by a cement truck as the driver attempted to overtake him. The truck driver's lawyer said the driver was under "the honest and reasonable belief" that there was enough room on the road to safely overtake him. The truck driver was acquitted.

**Bill to introduce a minimum overtaking distance of 1 Metre**

As a Member of Parliament, I call on you to lead the introduction of a Bill into your State or Territory Parliament for the amendment of the Road Rules and to lobby for the Australian Road Rules to be updated to set an improved national model. The amendment must introduce a regulation requiring a **minimum of 1 metre** when a motor vehicle overtakes a bicycle rider.

A **minimum overtaking distance of 1 metre** provides absolute and practical clarity. It:

- Recognises bicycle riders are physically vulnerable and need the protection of space
- Provides drivers with a clear, easily recognised measure when overtaking bicycle riders — otherwise they must slow down and wait
- Reduces the risk of bicycle rider-driver crashes, and bicycle rider crashes resulting from being side-swiped (but not hit) by motor vehicles
- Is enforceable; it allows a law enforcement officer or witness to readily observe a driver’s actions
- Would give consideration for a graded approach for higher speeds and very low speeds, though standardised legislation is more readily understood
- Will improve safety for bicycle riders
- Acknowledges bicycle riders are legitimate road users
- Will ultimately reduce bicycle rider fatalities and serious injuries.

This law already exists in countries in Europe and in 22 states in the US. The law is practical, enforceable, will reduce serious injuries and will **save bicycle riders’ lives**.

Everyone has the right to ride safely for work and play.

For more information, please go to www.amygillett.org.au

http://www.amygillett.org.au/a-metre-matters

Since this facility was made available in May 2013, several thousand individuals have sent letters to their local members of parliament. In early 2014, the AGF along with Cycling Tasmania launched a petition to Federal Government calling for amendments to the model Australian Road Rules to include minimum overtaking distance legislation. This petition generated nearly 30,000 signatures and was delivered to Parliament in May 2014.

If you would like your organisation or club added to this list of supporters, please contact the Foundation on 03 9533 3180 or info@amygillett.org.au
4. Measurements in road rules in Australia

One criticism of introducing an overtaking distance with specific distances is that it is impractical; that a specified minimum distance is difficult for drivers to understand and for police to enforce. This is a spurious claim as there are numerous existing Australian Road Rules, and jurisdictional variants, that include a specified distance. This widespread use of a specified distance establishes clear precedent in the Australian context and supports the current action to amend the legislation for a minimum overtaking distance when passing bicycle riders.

In this section is a selection of current Australian Road Rules that have a specified distance. The specific section of the rule that includes the reference to the distance is included below (as distinct from the entire road rule). The text that specifies an exact distance has been coloured pink to highlight the range of distances already legislated. The rules below were taken from the Australian Road Rules, as at 26 September 2013.

ARR 28 Starting a left turn from a multi-lane road
(2) A driver may approach and enter the intersection from the marked lane next to the left lane as well as, or instead of, the left lane if:
   (a) the driver’s vehicle, together with any load or projection, is 7.5 metres long, or longer; and
   (b) the vehicle displays a do not overtake turning vehicle sign; and
   (c) any part of the vehicle is within 50 metres of the nearest point of the intersection; and
   (d) it is not practicable for the driver to turn left from within the left lane; and
   (e) the driver can safely occupy the next marked lane and can safely turn left at the intersection by occupying the next marked lane, or both lanes.

ARR 29 Making a left turn as indicated by a turn line
(2) A driver may turn left at an intersection other than as indicated by a turn line if:
   (a) the driver’s vehicle, together with any load or projection, is 7.5 metres long, or longer; and
   (b) the vehicle displays a do not overtake turning vehicle sign; and
   (c) it is not practicable for the driver to turn left as indicated by the turn line; and
   (d) the driver can safely turn left other than as indicated by the turn line.

ARR 127 Keeping a minimum distance between long vehicles
(2) In this rule: required minimum distance means:
   (a) for a road train that is behind a long vehicle – 200 metres or, if another law of this jurisdiction specifies a different distance, that distance; or
   (b) for a long vehicle other than a road train that is behind a long vehicle – 60 metres or, if another law of this jurisdiction specifies a different distance, that distance.

ARR 138 Keeping off a painted island
(2) A driver may drive on or over a single continuous line along the side of or surrounding a painted island for up to 50 metres:
   (a) to enter or leave the road; or
   (b) to enter a turning lane that begins immediately after the painted island.

ARR 150 Driving on or across a continuous white edge line

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(1B) A driver may drive on or over a continuous white edge line on a road for up to 100 metres if the driver is:
   (a) turning at an intersection; or
   (b) entering or leaving the road; or
   (c) entering a part of the road of one kind from a part of the road of another kind (for example, moving to or from a service road, a shoulder of the road or an emergency stopping lane); or
   (d) stopping at the side of the road (including any shoulder of the road).

ARR 151 Riding a motor bike or bicycle alongside more than 1 other rider
   (4) If the rider of a motor bike or bicycle is riding on a road that is not a multi-lane road alongside another rider, or in a marked lane alongside another rider in the marked lane, the rider must ride not over 1.5 metres from the other rider.

ARR 153 Bicycle lanes
   (2) If stopping or parking is permitted at a place in a bicycle lane under another law of this jurisdiction, a driver may drive for up to 50 metres in the bicycle lane to stop or park at that place.

ARR 168 No parking signs
   (2) For this rule, a driver leaves a vehicle unattended if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

ARR 170 Stopping in or near an intersection
   (2) A driver must not stop on a road within 20 metres from the nearest point of an intersecting road at an intersection with traffic lights, unless the driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under the Australian Road Rules.
   (3) A driver must not stop on a road within 10 metres from the nearest point of an intersecting road at an intersection without traffic lights, unless the driver stops:
       (a) at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under the Australian Road Rules; or
       (b) if the intersection is a T-intersection – along the continuous side of the continuing road at the intersection.

ARR 171 Stopping on or near a children’s crossing
   (1) A driver must not stop on a children’s crossing, or on the road within 20 metres before the crossing and 10 metres after the crossing, unless the driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under the Australian Road Rules.

ARR 172 Stopping on or near a pedestrian crossing (except at an intersection)
   (1) A driver must not stop on a pedestrian crossing that is not at an intersection, or on the road within 20 metres before the crossing and 10 metres after the crossing, unless the driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under the Australian Road Rules.

ARR 173 Stopping on or near a marked foot crossing (except at an intersection)
   (1) A driver must not stop on a marked foot crossing that is not at an intersection, or on the road within 10 metres before the traffic lights pole nearest to the driver at the crossing and 3 metres after the crossing, unless the driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under the Australian Road Rules.

ARR 174 Stopping at or near bicycle crossing lights (except at an intersection)
(2) A driver must not stop within **10 metres** before the traffic lights nearest to the driver at the place, and **3 metres** after the traffic lights, unless the driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under the Australian Road Rules.

**ARR 175 Stopping on or near a level crossing**

(1) A driver must not stop on a level crossing, or on a road within **20 metres** before the nearest rail or track to the driver approaching the crossing and **20 metres** after the nearest rail or track to the driver leaving the crossing, unless the driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under the Australian Road Rules.

**ARR 190 Stopping in or near a safety zone**

(1) A driver must not stop in a safety zone, or on a road within **10 metres** before or after a safety zone, unless the driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under the Australian Road Rules.

**ARR 193 Stopping on a crest or curve outside a built-up area**

(1) A driver must not stop on or near a crest or curve on a length of road that is not in a built-up area unless:
   
   (a) the driver’s vehicle is visible for **100 metres** to drivers approaching the vehicle and travelling in the direction of travel of traffic on the same side of the road as the vehicle.

**ARR 194 Stopping near a fire hydrant etc**

(1) A driver must not stop within **1 metre** of a fire hydrant, fire hydrant indicator, or fire plug indicator, unless:

   (a) the driver is driving a public bus, and the driver stops at a bus stop or in a bus zone and does not leave the bus unattended; or
   (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended; or
   (c) the driver is driving a public minibus, and the driver stops in a minibus zone and does not leave the minibus unattended.

(2) For this rule, a driver leaves a vehicle unattended if the driver leaves the vehicle so the driver is over **3 metres** from the closest point of the vehicle.

**ARR 195 Stopping at or near a bus stop**

(1) A driver (except the driver of a public bus) must not stop at a bus stop, or on the road, within **20 metres** before a sign on the road that indicates the bus stop, and **10 metres** after the sign, unless the driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under the Australian Road Rules.

**ARR 196 Stopping at or near a tram stop**

(1) A driver (except the driver of a tram, a tram recovery vehicle or a public bus travelling along tram tracks) must not stop at a tram stop or on the road within **20 metres** before a sign that indicates a tram stop, unless:

   (a) the driver stops at a place on a length of road, or in an area, to which a parking control sign applies; and
   (b) the driver is permitted to stop at that place under the Australian Road Rules.

**ARR 199 Stopping near a postbox**

(1) A driver must not stop on a road within **3 metres** of a public postbox, unless the driver:

   (a) is dropping off, or picking up, passengers or mail; or
   (b) stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under the Australian Road Rules.
ARR 208 Parallel parking on a road (except in a median strip parking area)
(5) If the driver does not park in a parking bay, the driver must position the vehicle at least 1 metre from the closest point of any vehicle in front of it and any vehicle behind it.
(6) If the road has a continuous dividing line or a dividing strip, the driver must position the vehicle at least 3 metres from the continuous dividing line or dividing strip, unless otherwise indicated by information on or with a parking control sign.
(7) If the road does not have a continuous dividing line or a dividing strip, the driver must position the vehicle so there is at least 3 metres of the road alongside the vehicle that is clear for other vehicles to pass, unless otherwise indicated by information on or with a parking control sign.

ARR 209 Parallel parking in a median strip parking area
(2) The driver must position the driver’s vehicle:
  (c) if the driver does not park in a parking bay – at least 1 metre from the closest point of any vehicle in front of it and any vehicle behind it.

ARR 213 Making a motor vehicle secure
(3) If the driver will be over 3 metres from the closest part of the vehicle, the driver must switch off the engine before leaving the vehicle.
(4) If the driver will be over 3 metres from the closest part of the vehicle, and:
  (a) there is no-one left in the vehicle; or
  (b) there is only a child or children under 16 years old left in the vehicle; the driver must remove the ignition key before leaving the vehicle.
(5) If the driver will be over 3 metres from the closest part of the vehicle and there is no-one left in the vehicle, the driver must:
  (a) if the windows of the vehicle can be secured – secure the windows immediately before leaving the vehicle and
  (b) if the doors of the vehicle can be locked – lock the doors immediately after leaving the vehicle.

ARR 216 Towing a vehicle at night or in hazardous weather conditions
(3) In this rule:
  (a) for a vehicle being towed from the front of the vehicle – a pair of lights attached to the rear of the vehicle that, when operating, show a red light that is clearly visible for at least 200 metres from the rear of the vehicle; and
  (b) for a vehicle being towed from the rear of the vehicle – a pair of lights attached to the front of the vehicle that, when operating, show a red light that is clearly visible for at least 200 metres from the front of the vehicle.

ARR 218 Using headlights on high-beam
(1) The driver of a vehicle must not use the vehicle’s headlights on high-beam, or allow the vehicle’s headlights to be used on high-beam, if the driver is driving:
  (a) less than 200 metres behind a vehicle travelling in the same direction as the driver; or
  (b) less than 200 metres from an oncoming vehicle.

ARR 220 Using lights on vehicles that are stopped
(1) A driver must not stop on a road at night unless:
  (a) if the driver’s vehicle is 2.2 metres wide, or wider — the clearance and side marker lights fitted to the vehicle are operating effectively and are clearly visible.
(2) This rule does not apply to a driver if the driver stops on a length of road, or in an area, with street lighting and the driver’s vehicle is visible for at least 200 metres in all directions from the vehicle.

ARR 223 Using lights when riding an animal-drawn vehicle at night or in hazardous weather conditions
A person must not ride an animal-drawn vehicle at night, or in hazardous weather conditions causing reduced visibility, unless the vehicle is fitted with, and displays:
a white light fitted at or towards the front of each side of the vehicle that is clearly visible for at least 200 metres from the front of the vehicle; and
(b) a red light fitted at or towards the rear of each side of the vehicle that is clearly visible for at least 200 metres from the rear of the vehicle; and
(c) a red reflector fitted at or towards the rear of each side of the vehicle that is:
  (i) not over 1.5 metres above ground level; and
  (ii) clearly visible for at least 50 metres from the rear of the vehicle when light is projected onto it by another vehicle’s headlight on low-beam.

ARR 227 Using portable warning triangles

(2) If the driver stops on a road, or if some or all of any load being carried by the vehicle falls on to a road, at a place where the speed limit is 80 kilometres per hour or more and the vehicle is not visible at any time for at least 300 metres in all directions from that place, the driver must use at least 3 portable warning triangles, placed in accordance with subrule (4), to warn other road users of the vehicle or load.

(3) If the driver stops on a road, or if some or all of any load being carried by the vehicle falls on to a road, at a place where the speed limit is less than 80 kilometres per hour and the vehicle is not visible at any time for at least 200 metres in all directions from that place, the driver must use at least 3 portable warning triangles, placed in accordance with subrule (5), to warn other road users of the vehicle or load.

(4) For the purposes of subrule (2), the driver must:
  (a) place 1 triangle at least 200 metres, but not over 250 metres, behind the vehicle or fallen load; and
  (b) if the vehicle or fallen load is on a one-way or divided road, place 1 triangle between the triangle required by paragraph (a) and the vehicle or fallen load; and
  (c) if the vehicle or fallen load is not on a one-way or divided road, place 1 triangle at least 200 metres, but not over 250 metres, in front of the vehicle or fallen load.

(5) For the purposes of subrule (3), the driver must:
  (a) place 1 triangle at least 50 metres, but not over 150 metres, behind the vehicle or fallen load; and
  (b) if the vehicle or fallen load is on a one-way or divided road, place 1 triangle between the triangle required by paragraph (a) and the vehicle or fallen load; and
  (c) if the vehicle or fallen load is not on a one-way or divided road, place 1 triangle at least 50 metres, but not over 150 metres, in front of the vehicle or fallen load.

ARR 234 Crossing a road on or near a crossing for pedestrians

(1) A pedestrian must not cross a road, or part of a road, within 20 metres of a crossing on the road, except at the crossing or another crossing, unless the pedestrian is:
  (a) crossing, or helping another pedestrian to cross, an area of the road between tram tracks and the far left side of the road to get on, or after getting off, a tram or public bus; or
  (b) crossing to or from a safety zone; or
  (c) crossing at an intersection with traffic lights and a pedestrians may cross diagonally sign; or
  (d) crossing in a shared zone; or
  (e) crossing a road, or a part of a road, from which vehicles are excluded, either permanently or temporarily.

ARR 235 Crossing a level crossing

(1) A pedestrian must not cross a railway line, or tram tracks, at a level crossing unless:
  (a) there is a pedestrian facility at the crossing and the pedestrian uses the facility; or
  (b) there is no pedestrian facility at, or within 20 metres of, the crossing.

ARR 244 Wheeled recreational devices or wheeled toys being towed etc

(3) A person travelling in or on a wheeled recreational device or wheeled toy must not travel within 2 metres of the rear of a moving motor vehicle continuously for more than 200 metres.
ARR 255 Riding too close to the rear of a motor vehicle
The rider of a bicycle must not ride within 2 metres of the rear of a moving motor vehicle continuously for more than 200 metres.

ARR 259 Riding at night
The rider of a bicycle must not ride at night, or in hazardous weather conditions causing reduced visibility, unless the bicycle, or the rider, displays:
(a) a flashing or steady white light that is clearly visible for at least 200 metres from the front of the bicycle; and
(b) a flashing or steady red light that is clearly visible for at least 200 metres from the rear of the bicycle; and
(c) a red reflector that is clearly visible for at least 50 metres from the rear of the bicycle when light is projected onto it by a vehicle’s headlight on low-beam.

ARR 295 Motor vehicle towing another vehicle with a towline
(2) If neither of the vehicles is a motor bike, the driver must keep a distance of not over 4 metres between the vehicles.
(3) If at least 1 of the vehicles is a motor bike, the driver must keep a distance of not over 2.5 metres between the vehicles.
(4) If the towline is longer than 2 metres, the driver must attach a white or brightly coloured flag, piece of cloth or other similar material (the warning material) to the towline in accordance with subrule (5).
(5) The warning material must:
(a) be substantially square or rectangular with 2 adjacent sides at least 300 millimetres long; and
(b) be attached midway along the towline; and
(c) be visible for at least 100 metres from either side of the warning material.

ARR 303 Riding an animal alongside more than 1 other rider
(4) If the rider of an animal is riding on a road that is not a multi-lane road alongside another rider, or in a marked lane alongside another rider in the marked lane, the rider must ride not over 1.5 metres from the other rider.

ARR 334 How parking control signs apply to a length of road
(2) If a parking control sign applies to a length of road, the sign is at the side of the road, and there are no parking bays to which the sign applies, then, unless information on or with the sign indicates otherwise, the sign applies to:
(a) any shoulder of the road on that side of the road; and
(b) the part of the road on the length of road that extends from the far side of the road (excluding any road related area) on that side of the road for:
   (i) if the sign, or information on or with the sign, includes the words ‘angle parking’ or ‘angle’ – 6 metres; or
   (ii) in any other case – 3 metres.
(3) If a parking control sign applies to a length of road, the sign is at the centre of the road or on a dividing strip, and there are no parking bays to which the sign applies, then, unless information on or with the sign indicates otherwise, the sign applies to:
(a) if the sign is at the centre of the road, but not on a dividing strip – the part of the road on that length of road that extends 3 metres from the centre of the road on each side of the road; or
(b) if the sign is on a dividing strip – the dividing strip on that length of road and the part of the road on that length of road that extends 3 metres from each edge of the dividing strip.
5. Road rules – the legislation

In Australia, there is a national set of road rules, the Australian Road Rules (ARR). The intention of the road rules was that, when fully implemented, almost all road rules would be consistent throughout Australia. This new consistency would remove historical differences between jurisdictions and contribute to safer roads by eliminating confusion for drivers. We are working directly with the National Transport Commission and the Australian Road Rules Maintenance Group to make the necessary amendments to the national road rules. In addition to the national road rules, we are also working towards amending state and territory road rules.

A key component of this campaign is to amend the road rules across Australia to increase the protection of all bicycle riders. The protection afforded by a legislated minimum passing distance is both physical and judicial:

- **Physical:** passing with sufficient distance reduces the likelihood of a crash which can result in the bicycle rider’s death or serious injury or a near-crash which can destabilise or intimidate the bicycle rider

- **Judicial:** values the physical safety of the bicycle rider; creates a specific penalty to drivers who pass with insufficient distance; contributes to broader cultural and behavioural change

However, in relation to safe overtaking behaviour, there are numerous, often minor, jurisdictional variations.

We have identified the Australian Road Rules relevant to the introduction of a minimum passing distance that must be observed by drivers when overtaking bicycle riders. There is a subsection for the national road rules and one for each jurisdiction which includes:

- **Current status:** an update of any known action that is being undertaken
- **Existing road rules with AGF suggested amendments including relevant terms**

We have marked each road rule with our recommended amendments using red text for wording we recommend be inserted.
Australia

Current road rule: Australian Road Rules, February 2012 version

Relevant terms as defined by the Australian Road Rules
The following terms and definitions are extracted from the Australian Road Rules because they are relevant to the suggested amendments to specific Australian Road Rules.

Division 2—Road users and vehicles

14 Road users
A road user is a driver, rider, passenger or pedestrian.
Note Driver is defined in rule 16, pedestrian is defined in rule 18, and rider is defined in rule 17.

15 What is a vehicle
A vehicle includes—
(a) a motor vehicle, trailer and tram; and
(b) a bicycle; and
(c) an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle; and
(d) a combination; and
(e) a motorised wheelchair that can travel at over 10km/h (on level ground);
but does not include another kind of wheelchair, a train, a wheeled recreational device, a wheeled toy or a personal mobility device.

16 Who is a driver
(1) A driver is the person who is driving a vehicle (except a motor bike, bicycle, animal or animal drawn vehicle).

Note 1 Bicycle and motor bike are defined in the dictionary, and vehicle is defined in rule 15.
Note 2 Drive includes be in control of — see the definition in the dictionary.

(2) However, a driver does not include a person pushing a motorised wheelchair.

17 Who is a rider
(1) A rider is the person who is riding a motorbike, bicycle, animal or animal-drawn vehicle.

Note 1 Bicycle and motor bike are defined in the dictionary.
Note 2 Ride, for the rider of a motor bike or animal-drawn vehicle, includes be in control of — see the definition in the dictionary.

(2) A rider does not include—
(a) a passenger; or
(b) a person walking beside and pushing a bicycle.

19 References to driver includes rider etc
Unless otherwise expressly stated in the Australian Road Rules, each reference in the Rules (except in this Division) to a driver includes a reference to a rider, and each reference in the Rules (except in this Division) to driving includes a reference to riding.
ARR 139

The existing ARR 139 relates to *Exceptions for avoiding obstructions on the road* and allows a driver to cross a continuous dividing line to avoid an obstacle.

We recommend a new rule, ARR 139A be inserted to provide specific provision for drivers to cross a continuous dividing line to overtake a bicycle rider.

ARR 139A

139A Exceptions for overtaking bicycles on a road

(1) A driver on a two-way road without a dividing line or median strip may drive to the right of the centre of the road to overtake a bicycle if—
   (a) the driver has a clear view of any approaching traffic; and
   (b) it is necessary and reasonable, in all the circumstances, for the driver to drive to the right of the centre of the road to overtake a bicycle; and
   (c) the driver can do so safely.

(2) A driver on a road with a dividing line may drive to the right of the dividing line to overtake a bicycle if—
   (a) the driver has a clear view of any approaching traffic; and
   (b) it is necessary and reasonable, in all the circumstances, for the driver to drive to the right of the dividing line to overtake a bicycle; and
   (c) the driver can do so safely.

(3) For subsection (2), if the dividing line is a single continuous dividing line to the left of a broken dividing line, a single continuous dividing line only or 2 parallel continuous dividing lines, the hazard in driving to the right of such a dividing line must be taken into account in deciding whether it is reasonable to drive to the right of the dividing line.

(4) A driver may drive on a dividing strip, or on or over a single continuous line, or 2 parallel continuous lines, along a side of or surrounding a painted island, to overtake a bicycle if—
   (a) the driver has a clear view of any approaching traffic; and
   (b) it is necessary and reasonable to drive on the dividing strip or painted island to overtake a bicycle; and
   (c) the driver can do so safely.
ARR 144

144 Keeping a safe distance when overtaking

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

(2) For the purposes of this subsection 144(1)(a), a sufficient distance for passing a bicycle means:
   (a) a lateral distance of not less than 1 metre if the applicable speed-limit does not exceed 60 km/h;
       and
   (b) a lateral distance of not less than 1.5 metres if the applicable speed-limit exceeds 60 km/h.

Notes

A sufficient distance for subsection 144(2), is the lateral distance measured from the furthest right side of the
bicycle or bicycle’s rider to the left side of the driver’s vehicle including mirrors or other projections
including trailers and other attachments.

This ARR applies at all times, including when the bicycle is travelling in a marked bicycle lane.
ARR 146

146 Driving within a single marked lane or line of traffic
(1) A driver on a multi-lane road must drive so the driver’s vehicle is completely in a marked lane, unless the driver is—
   (a) entering a part of the road of 1 kind from a part of the road of another kind (for example, moving to or from a service road or a shoulder of the road); or
   (b) entering or leaving the road; or
   (c) moving from 1 marked lane to another marked lane; or
   (d) overtaking a bicycle; or
   (e) avoiding an obstruction; or
   (f) permitted to drive in more than 1 marked lane under this regulation.

Explanation
The use of the term “obstruction” in ARR 146 excludes a vehicle that is travelling more slowly than other vehicles” because of the definition in the Dictionary of the ARRs.

The suggested insertion of the words “overtake a bicycle” addresses this exclusion and promotes safe driving when a vehicle is being delayed by a bicycle.

ARR 147

147 Moving from one marked lane to another marked lane across a continuous line separating the lanes
(1) A driver on a multi-lane road must not move from 1 marked lane to another marked lane by crossing a continuous line separating the lanes unless—
   (a) the driver is overtaking a bicycle; or
   (b) the driver is avoiding an obstruction; or
   (c) the driver is obeying a traffic control device applying to the first marked lane; or
   (d) the driver is permitted to drive in both marked lanes under subsection (2); or
   (e) either of the marked lanes is a special purpose lane in which the driver is permitted to drive under this regulation and the driver is moving to or from the special purpose lane.

Explanation
The use of the term “obstruction” in ARR 147 excludes a vehicle that is travelling more slowly than other vehicles” because of the definition in the Schedule 5 Dictionary of the ARRs.

The suggested insertion of the words “the driver is overtaking a bicycle” addresses this exclusion and promotes safe driving when a vehicle is being delayed by a bicycle.
Australian Capital Territory

Current road rule: Australian Road Rules, February 2012 version


The road rules in the Australian Capital Territory (ACT) authorised by the ACT Parliamentary Counsel are: Road Transport (Safety and Traffic Management) Australian Road Rules Incorporation 2013 (No 1).

The specific rules that relate to introducing a minimum safe passing distance when drivers overtake bike riders are as provided for the Australian Road Rules above.

We anticipate that the changes to the Australian Road Rules will lead to an adoption of those amendments in the ACT.
New South Wales

Current road rule: Road Rules 2008 under the Road Transport Act 2013


Notice of Bill tabled in NSW Parliament by Greens MP and Member for Balmain Jamie Parker MP. A Road Rules amendment bill is being drafted.

Relevant terms as defined by the NSW Road Rules
The following terms and definitions are extracted from the NSW Road Rules because they are relevant to the suggested amendments to specific NSW Road Rules.

Division 2—Road users and vehicles
14 Road users
A road user is a driver, rider, passenger or pedestrian.

15 What is a vehicle
A vehicle includes:
(a) a motor vehicle, trailer and tram, and
(b) a bicycle, and
(c) an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle, and
(d) a combination, and
(e) a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note. Various terms mentioned in this rule are defined in the Dictionary.

16 Who is a driver
(1) A driver is the person who is driving a vehicle (except a motor bike, bicycle, animal or animal drawn vehicle).
(2) However, a driver does not include a person pushing a motorised wheelchair.

17 Who is a rider
(1) A rider is the person who is riding a motor bike, bicycle, animal or animal-drawn vehicle.
(2) A rider does not include—
   (a) a passenger; or
   (b) a person walking beside and pushing a bicycle.

19 References to driver includes rider etc
Unless otherwise expressly stated in these Rules, each reference in these Rules (except in this Division) to a driver includes a reference to a rider, and each reference in these Rules (except in this Division) to driving includes a reference to riding.
Rule 139

The existing Rule 139 relates to *Exceptions for avoiding obstructions on the road* and allows a driver to cross a continuous dividing line to avoid an obstacle.

We recommend a new rule, Rule 139A be inserted to provide specific provision for drivers to cross a continuous dividing line to overtake a bicycle rider.

**Rule 139A**

**139A Exceptions for overtaking bicycles on a road**

1. A driver on a two-way road without a dividing line or median strip may drive to the right of the centre of the road to overtake a bicycle if—
   - the driver has a clear view of any approaching traffic; and
   - it is necessary and reasonable, in all the circumstances, for the driver to drive to the right of the centre of the road to overtake a bicycle; and
   - the driver can do so safely.

2. A driver on a road with a dividing line may drive to the right of the dividing line to overtake a bicycle if—
   - the driver has a clear view of any approaching traffic; and
   - it is necessary and reasonable, in all the circumstances, for the driver to drive to the right of the dividing line to overtake a bicycle; and
   - the driver can do so safely.

3. For subsection (2), if the dividing line is a single continuous dividing line to the left of a broken dividing line, a single continuous dividing line only or 2 parallel continuous dividing lines, the hazard in driving to the right of such a dividing line must be taken into account in deciding whether it is reasonable to drive to the right of the dividing line.

4. A driver may drive on a dividing strip, or on or over a single continuous line, or 2 parallel continuous lines, along a side of or surrounding a painted island, to overtake a bicycle if—
   - the driver has a clear view of any approaching traffic; and
   - it is necessary and reasonable to drive on the dividing strip or painted island to overtake a bicycle; and
   - the driver can do so safely.
Rule 144

144 Keeping a safe distance when overtaking

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

(2) For the purposes of this subrule 144(1)(a), a sufficient distance for passing a bicycle means:
(a) a distance of not less than 1 m if the applicable speed-limit does not exceed 60 km/h; and
(b) a distance of not less than 1.5 m if the applicable speed-limit exceeds 60 km/h.

Notes
A sufficient distance for subrule 144(2), is the lateral distance measured from the furthest right side of the bicycle or bicycle’s rider to the left side of the driver’s vehicle including mirrors or other projections including trailers and other attachments.

This rule applies at all times, including when the bicycle is travelling in a bicycle lane.
**Rule 146**

**146 Driving within a single marked lane or line of traffic**
(1) A driver on a multi-lane road must drive so the driver’s vehicle is completely in a marked lane, unless the driver is—
   (a) entering a part of the road of one kind from a part of the road of another kind (for example, moving to or from a service road or a shoulder of the road); or
   (b) entering or leaving the road; or
   (c) moving from one marked lane to another marked lane; or
   (d) overtaking a bicycle; or
   (e) avoiding an obstruction; or
   (f) obeying a traffic control device applying to the marked lane; or
   (g) permitted to drive in more than one marked lane under another provision of these Rules.

**Explanation**

The use of the term “obstruction” in Rule 146 excludes a vehicle that is travelling more slowly than other vehicles” because of the definition in the Dictionary of the NSW Road Rules.

The suggested insertion of the words “overtake a bicycle” addresses this exclusion and promotes safe driving when a vehicle is being delayed by a bicycle.

**Rule 147**

**147 Moving from one marked lane to another marked lane across a continuous line separating the lanes**
(1) A driver on a multi-lane road must not move from one marked lane to another marked lane by crossing a continuous line separating the lanes unless—
   (c) the driver is overtaking a bicycle; or
   (d) the driver is avoiding an obstruction; or
   (e) the driver is obeying a traffic control device applying to the first marked lane; or
   (d) the driver is permitted to drive in both marked lanes under another provision of these Rules; or
   (e) either of the marked lanes is a special purpose lane in which the driver is permitted to drive under these Rules and the driver is moving to or from the special purpose lane.

**Explanation**

The use of the term “obstruction” in Rule 147 excludes a vehicle that is travelling more slowly than other vehicles” because of the definition in the Dictionary of the NSW Road Rules.

The suggested insertion of the words “the driver is overtaking a bicycle” addresses this exclusion and promotes safe driving when a vehicle is being delayed by a bicycle.
Northern Territory

Current road rule: Traffic Regulations, 1 July 2013


According to the Northern Territory (NT) Traffic Regulations, the road rules are made as regulations under the Australian Road Rules. Therefore we anticipate that the changes to the Australian Road Rules will lead to an adoption of those amendments in the NT.

The AGF is yet to take any direct action in the NT. We welcome the opportunity to discuss the possibility to amend the road rules in the NT.
Queensland

Current road rule: Transport Operations (Road Use Management – Road Rules) Regulation 2009


Division 2—Road users and vehicles

14 Road users

A road user is a driver, rider, passenger or pedestrian.

15 What is a vehicle

A vehicle includes—

(a) a motor vehicle, trailer and tram; and
(b) a bicycle; and
(c) an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle; and
(d) a combination; and
(e) a motorised wheelchair that can travel at over 10km/h (on level ground);

but does not include another kind of wheelchair, a train, a wheeled recreational device, a wheeled toy or a personal mobility device.

16 Who is a driver

(1) A driver is the person who is driving a vehicle (except a motor bike, bicycle, animal or animal drawn vehicle).

(2) However, a driver does not include a person pushing a motorised wheelchair.

17 Who is a rider

(1) A rider is the person who is riding a motorbike, bicycle, animal or animal-drawn vehicle.

(2) A rider does not include—

(a) a passenger; or

(b) a person walking beside and pushing a bicycle.

19 Reference to driver includes rider etc.

Unless otherwise expressly stated in this regulation, a reference in this regulation (except in this division)—

(a) to a driver, includes a reference to a rider; and

(b) to driving, includes a reference to riding.
Section 139

The existing Section 139 relates to Exceptions for avoiding obstructions on the road and allows a driver to cross a continuous dividing line to avoid an obstacle.

Section 139A

139A Exceptions for overtaking bicycle riders

(1) A driver on a two-way road without a dividing line or median strip may drive to the right of the centre of the road to pass the rider of a bicycle that is travelling in the same direction as the driver if —
   (a) the driver has a clear view of any approaching traffic; and
   (b) the driving is necessary to comply with section 144A(1) for the passing of the rider; and
   (c) the driver can do so safely.

(2) A driver on a road with a dividing line may drive to the right of the dividing line to pass the rider of a bicycle that is travelling in the same direction as the driver if —
   (a) the driver has a clear view of any approaching traffic; and
   (b) the driving is necessary to comply with section 144A(1) for the passing of the rider; and
   (c) the driver can do so safely.

(3) A driver may drive on a dividing strip that is at the same level as the road, or on or over a single continuous line, or 2 parallel continuous lines, along a side of or surrounding a painted island to pass the rider of a bicycle that is travelling in the same direction as the driver if —
   (a) the driver has a clear view of any approaching traffic; and
   (b) the driving is necessary to comply with section 144A(1) for the passing of the rider; and
   (c) the driver can do so safely.

(4) For subsection (3), a dividing strip is taken to be at the same level as the road even if the dividing strip contains 1 or more pavement bars or markers.
**Section 144**

**144 Keeping a safe distance when overtaking**

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

**144A Keeping a safe lateral distance when passing bicycle rider**

(1) The driver of a motor vehicle passing the rider of a bicycle that is travelling in the same direction as the driver must pass the bicycle at a sufficient distance from the bicycle.

   Maximum penalty—40 penalty units.

(2) A sufficient distance from the bicycle is —
   (a) if the applicable speed limit is not more than 60km/h—a lateral distance from the bicycle of at least 1m; or
   (b) if the applicable speed limit is more than 60km/h—a lateral distance from the bicycle of at least 1.5m.

(3) For subsection (2), the lateral distance is the distance between the following points—
   (a) the furthermost point to the left on the driver’s vehicle or any projection from the vehicle (whether or not attached to the vehicle);
   (b) the furthermost point to the right on the bicycle, any bicycle trailer towed by the bicycle, the rider or any passenger in or on the trailer.
Section 146

146 Driving within a single marked lane or line of traffic
(1) A driver on a multi-lane road must drive so the driver’s vehicle is completely in a marked lane, unless the driver is—
   (a) entering a part of the road of 1 kind from a part of the road of another kind (for example, moving to or from a service road or a shoulder of the road); or
   (b) entering or leaving the road; or
   (c) moving from 1 marked lane to another marked lane; or
   (d) avoiding an obstruction; or
   (e) obeying a traffic control device applying to the marked lane; or
   (f) permitted to drive in more than 1 marked lane under this regulation; or
   (g) passing the rider of a bicycle that is travelling in the same direction as the driver and the driver’s vehicle is not completely in a marked lane in order to comply with section 144A(1) for the passing of the rider.

Section 147

147 Moving from one marked lane to another marked lane across a continuous line separating the lanes
(1) A driver on a multi-lane road must not move from 1 marked lane to another marked lane by crossing a continuous line separating the lanes unless—
   (a) the driver is avoiding an obstruction; or
   (b) the driver is obeying a traffic control device applying to the first marked lane; or
   (c) the driver is permitted to drive in both marked lanes under subsection (2); or
   (d) either of the marked lanes is a special purpose lane in which the driver is permitted to drive under this regulation and the driver is moving to or from the special purpose lane.

(2) A driver on a multi-lane road may move from 1 marked lane to another marked lane by crossing a continuous line separating the lanes if—
   (a) the driver makes the move to approach or enter an intersection from the multi-lane road and section 28(2) or 32(2) applies to the driver for the purpose of making the move; or
   (b) the driver makes the move to approach or enter a roundabout from the multi-lane road and section 111(8) or (9) applies to the driver for the purpose of making the move; or
   (c) both of the following apply—
      (i) the driver is passing the rider of a bicycle that is travelling in the same direction as the driver and the movement is necessary to comply with section 144A(1) for the passing of the rider; or
      (ii) the driver can perform the movement safely.
South Australia

On 3 July 2013, Greens Leader Mark Parnell introduced Bill into the South Australian State Parliament that requires drivers to leave a gap of at least one metre when passing bicycle riders on the road.

Submitted Bill: Road Traffic (Overtaking Bicycles) Amendment bill
An Act to amend the Road Traffic Act 1961

The submitted Bill is included below.

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.
Tasmania

Current road rule: Road Rules 2009 (S.R. 2009, No. 142)

Link:
http://www.thelaw.tas.gov.au/tocview/index.w3p;cond=all;doc_id=%2B142%2B2009%2BAT%40EN%2B20130924000000;histon=;prompt=;rec=;term=road

Relevant terms as defined by the Tasmanian Road Rules
The following terms and definitions are extracted from the Tasmanian Road Rules because they are relevant to the suggested amendments to specific Australian Road Rules.

Division 2 - Road users and vehicles
14. Road users
A road user is a driver, rider, passenger or pedestrian.

Note: Driver is defined in rule 16, pedestrian is defined in rule 18, and rider is defined in rule 17.

15. What is a vehicle
A vehicle includes –
(a) a motor vehicle, trailer and tram; and
(b) a bicycle; and
(c) an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle; and
(d) a combination; and
(e) a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground) –
(f) but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note: Various terms mentioned in this rule are defined in the dictionary.

16. Who is a driver
(1) A driver is the person who is driving a vehicle (except a motor bike, bicycle, animal or animal-drawn vehicle).

Note 1: Bicycle and motor bike are defined in the dictionary, and vehicle is defined in rule 15.
Note 2: Drive includes be in control of – see the definition in the dictionary.

(2) However, a driver does not include a person pushing a motorised wheelchair.

Note: Wheelchair is defined in the dictionary.

17. Who is a rider
(1) A rider is the person who is riding a motor bike, bicycle, animal or animal-drawn vehicle.

Note 1: Bicycle and motor bike are defined in the dictionary.
Note 2: Ride, for the rider of a motor bike or animal-drawn vehicle, includes be in control of – see the definition in the dictionary.

(2) A rider does not include –
(a) a passenger; or
(b) a person walking beside and pushing a bicycle.

19. References to driver includes rider, &c.
Unless otherwise expressly stated in the Road Rules, each reference in the Rules (except in this Division) to a driver includes a reference to a rider, and each reference in the Rules (except in this Division) to driving includes a reference to riding.
Rule 139
The existing Rule 139 relates to Exceptions for avoiding obstructions on the road and allows a driver to cross a continuous dividing line to avoid an obstacle.

We recommend a new rule, ARR 139A be inserted to provide specific provision for drivers to cross a continuous dividing line to overtake a bicycle rider.

ARR 139A

139A Exceptions for overtaking bicycles on a road
(1) A driver on a two-way road without a dividing line or median strip may drive to the right of the centre of the road to overtake a bicycle if—
   (a) the driver has a clear view of any approaching traffic; and
   (b) it is necessary and reasonable, in all the circumstances, for the driver to drive to the right of the centre of the road to overtake a bicycle; and
   (c) the driver can do so safely.
(2) A driver on a road with a dividing line may drive to the right of the dividing line to overtake a bicycle if—
   (a) the driver has a clear view of any approaching traffic; and
   (b) it is necessary and reasonable, in all the circumstances, for the driver to drive to the right of the dividing line to overtake a bicycle; and
   (c) the driver can do so safely.
(3) For subsection (2), if the dividing line is a single continuous dividing line to the left of a broken dividing line, a single continuous dividing line only or 2 parallel continuous dividing lines, the hazard in driving to the right of such a dividing line must be taken into account in deciding whether it is reasonable to drive to the right of the dividing line.
(4) A driver may drive on a dividing strip, or on or over a single continuous line, or 2 parallel continuous lines, along a side of or surrounding a painted island, to overtake a bicycle if—
   (a) the driver has a clear view of any approaching traffic; and
   (b) it is necessary and reasonable to drive on the dividing strip or painted island to overtake a bicycle; and
   (c) the driver can do so safely.
Rule 144.

144 Keeping a safe distance when overtaking

(1) A driver overtaking a vehicle—

(a) must pass the vehicle at a sufficient distance to avoid a collision with the vehicle or obstructing the path of the vehicle; and

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

(2) For the purposes of this subsection 144(1)(a), a sufficient distance for passing a bicycle means:

(a) a lateral distance of not less than 1 metre if the applicable speed-limit does not exceed 60 km/h; and

(b) a lateral distance of not less than 1.5 metres if the applicable speed-limit exceeds 60 km/h.

Notes

A sufficient distance for subsection 144(2), is the lateral distance measured from the furthest right side of the bicycle or bicycle’s rider to the left side of the driver’s vehicle including mirrors or other projections including trailers and other attachments.

This ARR applies at all times, including when the bicycle is travelling in a marked bicycle lane.
Rule 146

146. Driving within a single marked lane or line of traffic

(1) A driver on a multi-lane road must drive so the driver’s vehicle is completely in a marked lane, unless the driver is –
   (a) entering a part of the road of one kind from a part of the road of another kind (for example, moving to or from a service road or a shoulder of the road); or
   (b) entering or leaving the road; or
   (c) moving from one marked lane to another marked lane; or
   (d) overtaking a bicycle; or
   (e) avoiding an obstruction; or
   (f) obeying a traffic control device applying to the marked lane; or
   (g) permitted to drive in more than one marked lane under another provision of the Road Rules or under another law of this jurisdiction.

(2) A driver on a road with 2 or more lines of traffic travelling in the same direction as the driver, but without marked lanes, must drive so the driver’s vehicle is completely in a single line of traffic unless –
   (a) it is not practicable to drive completely in a single line of traffic; or
   (b) the driver is entering a part of the road of one kind from a part of the road of another kind (for example, moving to or from a service road or a shoulder of the road); or
   (c) the driver is entering or leaving the road; or
   (d) the driver is moving from one line of traffic to another line of traffic; or
   (e) overtaking a bicycle; or
   (f) the driver is avoiding an obstruction.

Explanation

The use of the term “obstruction” in ARR 146 excludes a vehicle that is travelling more slowly than other vehicles” because of the definition in the Dictionary of the ARRs. The suggested insertion of the words “overtake a bicycle” addresses this exclusion and promotes safe driving when a vehicle is being delayed by a bicycle.
147. Moving from one marked lane to another marked lane across a continuous line separating the lanes
A driver on a multi-lane road must not move from one marked lane to another marked lane by crossing a continuous line separating the lanes unless —

(a) the driver is overtaking a bicycle; or
(b) the driver is avoiding an obstruction; or
(c) the driver is obeying a traffic control device applying to the first marked lane; or
(d) the driver is permitted to drive in both marked lanes under another provision of the *Road Rules* or under another law of this jurisdiction; or
(e) either of the marked lanes is a special purpose lane in which the driver is permitted to drive under the *Road Rules* and the driver is moving to or from the special purpose lane.

Explanation
The use of the term “obstruction” in ARR 147 excludes a vehicle that is travelling more slowly than other vehicles” because of the definition in the Schedule 5 Dictionary of the ARRs. The suggested insertion of the words “the driver is overtaking a bicycle” addresses this exclusion and promotes safe driving when a vehicle is being delayed by a bicycle.
Victoria

Current road rule: Road Safety Road Rules 2009 (S.R. 94/2009)


Division 2—Road users and vehicles

14 Road users
A road user is a driver, rider, passenger or pedestrian.

15 What is a vehicle
(1) A vehicle is a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn, and includes—
   (a) a motor vehicle, trailer and tram; and
   (b) a bicycle; and
   (c) an air-cushion vehicle—but does not include a train.

(2) However, a reference in these Rules (except in this Division) to a vehicle—
   (a) includes a reference to—
      (i) an animal that is being ridden or is drawing a vehicle; and
      (ii) a combination; but
   (b) does not include a reference to—
      (i) a wheelchair other than a motorised wheelchair capable of a speed of 10 kilometres per hour or more; or
      (ii) a wheeled recreational device; or
      (iii) a wheeled toy.

16 Who is a driver
(1) A driver is the person who is driving a vehicle (except a motor bike, bicycle, animal or animal-drawn vehicle).

(2) However, a driver does not include a person pushing a motorised wheelchair.

17 Who is a rider
(1) A rider is the person who is riding a motor bike, bicycle, animal or animal-drawn vehicle.

(2) A rider does not include—
   (a) a passenger; or
   (b) a person walking beside and pushing a bicycle.

19 References to driver includes rider etc.
Unless otherwise expressly stated a reference in these Rules (except in this Division) to a driver includes a reference to a rider, and a reference in these Rules (except in this Division) to driving includes a reference to riding.
Rule 139

The existing Rule 139 relates to *Exceptions for avoiding obstructions on the road* and allows a driver to cross a continuous dividing line to avoid an obstacle.

We recommend a new rule, Rule 139A be inserted to provide specific provision for drivers to cross a continuous dividing line to overtake a bicycle rider.

**Rule 139A**

139A Exceptions for overtaking bicycles on a road

(1) A driver on a two-way road without a dividing line or median strip may drive to the right of the centre of the road to overtake a bicycle if—
   (a) the driver has a clear view of any approaching traffic; and
   (b) it is necessary and reasonable, in all the circumstances, for the driver to drive to the right of the centre of the road to overtake a bicycle; and
   (c) the driver can do so safely.

(2) A driver on a road with a dividing line may drive to the right of the dividing line to overtake a bicycle if—
   (a) the driver has a clear view of any approaching traffic; and
   (b) it is necessary and reasonable, in all the circumstances, for the driver to drive to the right of the dividing line to overtake a bicycle; and
   (c) the driver can do so safely.

(3) For subsection (2), if the dividing line is a single continuous dividing line to the left of a broken dividing line, a single continuous dividing line only or 2 parallel continuous dividing lines, the hazard in driving to the right of such a dividing line must be taken into account in deciding whether it is reasonable to drive to the right of the dividing line.

(4) A driver may drive on a dividing strip, or on or over a single continuous line, or 2 parallel continuous lines, along a side of or surrounding a painted island, to overtake a bicycle if—
   (a) the driver has a clear view of any approaching traffic; and
   (b) it is necessary and reasonable to drive on the dividing strip or painted island to overtake a bicycle; and
   (c) the driver can do so safely.
Rule 144

144 Keeping a safe distance when overtaking

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

(2) For the purposes of this subrule 144(1)(a), a sufficient distance for passing a bicycle means:
   (a) a distance of not less than 1 metre if the applicable speed-limit does not exceed 60 km/h; and
   (b) a distance of not less than 1.5 metre if the applicable speed-limit exceeds 60 km/h.

Notes

A sufficient distance for subrule 144(2), is the lateral distance measured from the furthest right side of the bicycle or bicycle’s rider to the left side of the driver’s vehicle including mirrors or other projections including trailers and other attachments.

This rule applies at all times, including when the bicycle is travelling in a bicycle lane.
Rule 146

146 Driving within a single marked lane or line of traffic
(1) A driver on a multi-lane road must drive so the driver's vehicle is completely in a marked lane, unless the driver is—
   (a) entering a part of the road of one kind from a part of the road of another kind (for example, moving to or from a service road or a shoulder of the road); or
   (b) entering or leaving the road; or
   (c) moving from one marked lane to another marked lane; or
   (d) overtaking a bicycle; or
   (e) avoiding an obstruction; or
   (f) obeying a traffic control device applying to the marked lane; or
   (g) permitted to drive in more than one marked lane under another provision of these Rules.

Explanation
The use of the term “obstruction” in Rule 146 excludes a vehicle that is travelling more slowly than other vehicles” because of the definition in the Dictionary of the Victorian Road Rules.

The suggested insertion of the words “overtake a bicycle” addresses this exclusion and promotes safe driving when a vehicle is being delayed by a bicycle.

Rule 147

147 Moving from one marked lane to another marked lane across a continuous line separating the lanes
(1) A driver on a multi-lane road must not move from one marked lane to another marked lane by crossing a continuous line separating the lanes unless—
   (a) the driver is overtaking a bicycle; or
   (b) the driver is avoiding an obstruction; or
   (c) the driver is obeying a traffic control device applying to the first marked lane; or
   (d) the driver is permitted to drive in both marked lanes under another provision of these Rules; or
   (e) either of the marked lanes is a special purpose lane in which the driver is permitted to drive under these Rules and the driver is moving to or from the special purpose lane.

Explanation
The use of the term “obstruction” in Rule 147 excludes a vehicle that is travelling more slowly than other vehicles” because of the definition in the Dictionary of the Victorian Road Rules.

The suggested insertion of the words “the driver is overtaking a bicycle” addresses this exclusion and promotes safe driving when a vehicle is being delayed by a bicycle.
Western Australia

Current road rule: Road Traffic Act 1974, Road Traffic Code 2000


The road rules of the Western Australian (WA) Road Traffic Code related to overtaking (Division 3) is substantially different to those in other jurisdictions, in terms of wording and numbering. We are yet to undertake the review of the WA code.
6. Penalties

Penalty for drivers

Australian Law is based on the philosophy of self-regulation. Our recommendations uphold this philosophy and support that both regulations and summary offences have a role to play in upholding self-regulation. In the instance of inadvertent unsafe/illegal behaviour (as determined by the Australian Road Rules), regulations (and the associated infringement) are relevant. In the instance where the behaviour causes harm to another party, we support summary offences under legislation.

Current regulation status and infringement

The AGF asserts that the current infringements associated with ‘failing to keep a safe distance from a vehicle when overtaking the vehicle’.

Given that overtaking too closely to a bicycle rider can directly lead to a crash that results in a fatality or serious injury, we consider it to be a critical risk offence and a penalty of up to 10 demerit points is warranted. As per other critical risk offences, it is reasonable for some offences when the driver overtakes too closely, such as actions that lead to a bicycle rider’s death or serious injury, that the driver’s licence should also be suspended.

The AGF recommends that:

1. **At a minimum**, the fine (penalty units) should increase as per the rationale for speeding offences with an increased fine and increased demerit points being linked to the injury outcome of a crash. Crashes that result in a fatality should have a penalty of 10 demerit points and/or licence suspension and a fine at least the equivalent to the most severe penalty for speeding ($2,197, New South Wales).

2. The penalty may be partially reduced by the offender taking part in an education program about the road rules relating to bicycle rider safety and vulnerable road user safety.

A table of the current penalties for speeding in each jurisdiction is included to illustrate the existing range of offences that are matched with an escalation of the at risk behaviour.
Current penalties for speeding by jurisdiction

<table>
<thead>
<tr>
<th>Offence</th>
<th>ACT</th>
<th>NSW</th>
<th>NT</th>
<th>QLD</th>
<th>SA</th>
<th>TAS</th>
<th>VIC</th>
<th>WA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 10km/h</td>
<td>$203 + 1*</td>
<td>$106 + 1</td>
<td>$100 + 1*</td>
<td>$146 + 1*</td>
<td>$155</td>
<td>$80 + 2</td>
<td>$180 +1</td>
<td>$75*</td>
</tr>
<tr>
<td>10 to 20km/h</td>
<td>-</td>
<td>$248 + 3</td>
<td>-</td>
<td>$220 + 3</td>
<td>$340</td>
<td>$150 + 3</td>
<td>$289 + 3</td>
<td>$150 + 2</td>
</tr>
<tr>
<td>21 to 30km/h</td>
<td>$307 + 3*</td>
<td>$425 + 4</td>
<td>$200 + 3*</td>
<td>$366 + 4</td>
<td>$690</td>
<td>$250 + 3</td>
<td>$397 + 4</td>
<td>$300 + 3</td>
</tr>
<tr>
<td>31 to 40km/h</td>
<td>$664 + 4*</td>
<td>$815 + 5*</td>
<td>$300 + 4*</td>
<td>$513 + 6</td>
<td>$824*</td>
<td>$450 + 5</td>
<td>$541 + 6*</td>
<td>$700 + 5</td>
</tr>
<tr>
<td>More than 41km/h</td>
<td>$1811 + 6*</td>
<td>$2197 + 6*</td>
<td>$500 + 6*</td>
<td>$1026 + 8</td>
<td>-</td>
<td>$900 + 6*</td>
<td>$722 + 8*</td>
<td>$1000 + 7</td>
</tr>
</tbody>
</table>

* Denotes that these offences are not categorised into multiples of 10km/h by the jurisdiction (e.g. in Queensland there is a penalty for speeds in excess of 14-20km/h over the posted speed limit). We have grouped the penalty units into 10km/h to enable comparison across the jurisdictions.


Minimum Overtaking Distance: AGF position, rationale and the evidence
7. Conclusion

Currently six out of eight Australian states and territories have precedent guidelines that recommend allowing a minimum of one metre when drivers overtake bicycle riders. However, despite widespread efforts to raise awareness of the need for space, bicycle riders are being killed as the result of drivers overtaking too closely. Change is needed to protect bicycle riders, both physically and legally.

Following the Parliamentary Inquiry in Queensland there is now in place a two year trial of minimum overtaking distance legislation. A similar commitment has been made by the ACT Government but with no confirmation of an expected start date or duration.

While some countries develop and retrofit their cities to be bicycle-inclusive, Australian cities are playing catch-up as urban development continues. To this end, it is impractical to pursue the belief that separation and infrastructure represent the total solution to bicycle rider safety.

A motor vehicle, travelling in the same direction, hitting a bicycle rider from behind is the most common crash type that results in a bicycle rider being killed. In these crash types, the responsibility is with the driver; the bicycle rider has no ability to protect themselves and often cannot take any evasive action to avoid being hit.

The most important road rule to provide protection for bicycle riders and improve their safety is the amendment of the road rules to legislate a minimum overtaking distance that must be observed by drivers when passing bicycle riders.

The introduction of minimum overtaking legislation will be a significant step towards creating behaviour change as well as increasing road user awareness and mutual respect between bicycle riders and drivers on the roads.

A common area of dispute between bicycle riders and drivers what is a safe passing distance. A legislated requirement to leave a minimum of one metre (more in higher speed zones) would remove this confusion and it would also remove the subjectivity of sufficient passing. The law will not impede the efficiency of the road transport system.

When legislation is amended to include a minimum overtaking distance, it will need the support of police enforcement. By applying a practical approach to enforcement, drivers can be informed about the rationale behind the law and the genuine behavioural change needed.

If we are to nurture and support the growing number of people who are getting on their bikes then the environment for bicycle riding must be made safer. This can be achieved through the behavioural change brought about by legislation that requires drivers to allow a minimum overtaking distance when passing bicycle riders.
If there’s not enough space to pass a bicycle rider safely

– just wait.