a metre matters
AGF position, rationale, evidence
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1. **a metre matters**

The Amy Gillett Foundation (AGF) is working to amend road rules across Australia so drivers are required to provide a safe distance when overtaking bicycle riders.

**We believe a metre matters, and a metre matters now.**

Amending the road rules to mandate a minimum distance when drivers overtake bicycle riders, with appropriate education and enforcement, is currently the single most important action needed to reduce bicycle rider fatalities.

**Every driver is responsible for providing a safe distance when overtaking bicycle riders.**

Road rules are fundamental to a safe and efficient road network. However, we can only achieve meaningful safety gains if there are also:

- high levels of awareness and education about the road rules
- safe behaviour underpinned by law becomes the norm
- active law enforcement to protect all road users

The current road rules\(^1\) require drivers to allow *sufficient* distance when overtaking a bicycle rider. *Sufficient* is vague and subjective and 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.

**a metre matters – how we got here**

The AGF is a national charity with one purpose – to reduce the incidence of death and serious injury of bicycle riders. The AGF Manifesto for safer cycling in Australia sets out the key actions needed to create a safe cycling environment while maintaining an efficient road network.

**a metre matters** is our lead campaign and was launched on the steps of New Parliament House in Canberra in November 2009 by the then Federal Minister for Transport, the Honourable Anthony Albanese. **a metre matters** started as an education and awareness raising campaign and in 2012, and has grown to achieve Australia-wide recognition with momentum for change. Our national update provides details of those jurisdictions that have changed their laws to include **a metre matters**.

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\(^{1}\) In jurisdictions where a metre matters has not been implemented.
a metre matters – awareness and education

The AGF works with communities nationally to raise awareness and educate people about the need for drivers to provide bicycle riders with a safe distance when overtaking.

a metre matters has been widely disseminated nationally using roadside billboards, outdoor advertising at public transport stops, at AGF cycling events and AGF merchandise (e.g. cycling jerseys, stickers, etc.).

Corporate partners have extended public awareness. Europcar, the global car rental company added a metre matters swing-tags on the rear vision mirror of 70,000 rental cars and a rear windscreen sticker to the entire national Europcar fleet. Toll, the global logistics company, added a metre matters to trucks nationally.

a metre matters – the shift to legislation

From 2009 to 2012, a metre matters was an education and awareness campaign. This changed in 2013. The court finding following the death of Richard Pollett was the catalyst for us to 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 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 having decided it was reasonable that the driver presumed to have adequate space. The driver was released without charge.

Our actions to push for legislative change have been multi-pronged and include: coordinating an online forum to encourage people to write to their local members of government, raising minimum overtaking distance in Parliamentary inquiries, direct discussions with members of Parliament and a national petition to amend the Australian Road Rules include minimum specified distances when drivers overtake bicycle riders.

This document

This document brings together the AGF a metre matters work in one comprehensive reference document. As we progress, this living document will be updated and available online.

“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, Qld MP
2. The rationale

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. **a metre matters** calls for the current wording in the road rules to be changed from 'sufficient distance' to:

- 1m in speed zones up to and including 60kph
- 1.5m in speed zones of 70kph and faster

This will help to reduce crashes between motor vehicles and bicycle riders.

**a metre matters** because:

- It reduces the risk of crashes when drivers overtake bicycle riders
- Over 1 in 10 of all bicycle rider crashes in Victoria involved a vehicle overtaking a bicycle rider
- Bicycle riders are legitimate and vulnerable road users who need space when sharing the road with drivers
- It is a practical measurement for drivers
- Better infrastructure is critical for safe cycling but we cannot afford to wait for safe cycling infrastructure to be built. Separated bike lanes will never be in every street in Australia. An immediate way to make bicycle riders safer is for drivers to give them enough space
- Awareness is not enough – education, legislation and enforcement for behaviour change is needed.

“The previous road rule was very difficult to enforce, there was no objective standard for what was ‘sufficient’. Now we have a clear cut definition.”

Sgt Ian Crang, Queensland Police Service

‘At least a metre’ is already recommended in Australia

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

Amendments to the road rules will legislate this common sense recommendation. Such amendments must be accompanied by an effective awareness and education campaign, and appropriate enforcement.

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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 7 of this document.

The primary rule (and its equivalent state/territory road rule) which requires change to specify the minimum distance drivers allow when overtaking 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 bicycle riders provides clear guidance to drivers about 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 7 of this document.
## a metre matters – questions and answers

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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</table>
| 1. What is the Minimum Overtaking Distance (also known as the a metre matters rule) | When overtaking a bicycle, drivers must allow a minimum distance of:  
   a) 1 metre when the speed limit is 60km/h or less  
   b) 1.5 metres when the speed limit is more than 60km/h |
| 2. Why do we need a minimum overtaking distance for bicycle riders? | Because it will help to reduce crashes between motor vehicles and bicycle riders. This amendment will make bicycle riders feel safer. Bicycle riders need to be protected. They don’t have a metal car or truck to protect their bodies. They are more likely to be injured or killed if a crash happens. |
| 3. Why one metre and not more, or less? | One metre is a practical distance. It’s the minimum distance; drivers can leave more if they want to and it’s safe to do so. |
| 4. Why a new law? Aren’t the current road rules good enough? | This is not a new road rule – it’s an amendment to the existing road rules and is based on the current guidelines for drivers in most jurisdictions. Guidelines for drivers and the road rules will now be consistent. The existing rule requires drivers to provide a ‘sufficient’ distance and this is subjective. One metre is clear and objective. It gives more certainty for drivers, bicycle riders and police. |
| 5. How is the minimum overtaking distance measured? | The distance is measured from:  
   - the rightmost part of the bicycle, or the person on the bicycle; to  
   - the leftmost part of the vehicle, or something projecting from the vehicle (e.g. mirror) |
| 6. Isn’t it difficult to measure a metre? | No. A metre is a practical measure which most people can judge easily. It is standard practice to use measurements in the Australian Road Rules that are clear, effective and enforceable. Distances are specified in at least 36 Australian Road Rules. |
| 7. Can I leave more than a metre if I want to? | One metre is the minimum distance. You can leave a greater distance where there is space on the road and it is safe to do so. |
| 8. What should I do if I can’t give a metre or more because of oncoming traffic or if there is a median strip? | You must slow down and wait until the road conditions change, and it is safe to overtake the bike rider providing the minimum overtaking distance. |

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<table>
<thead>
<tr>
<th>Question</th>
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<tbody>
<tr>
<td>9. Why legislate? Aren’t most drivers giving enough space anyway?</td>
<td>The road rules need to be amended to permit drivers to allow a metre in all locations. Currently the road rules permit 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. However, to do so to safely overtake a bicycle rider is not permitted. <strong>a metre matters</strong> calls for an amendment to this road rule to permit drivers to cross solid lines to overtake bicycle riders.</td>
</tr>
<tr>
<td>10. Can I cross centre lines to overtake a bicycle rider?</td>
<td>Yes. To overtake a bicycle rider, provided you have a clear view of traffic and it is safe to do so, you can: • Drive over centre lines on a two-way road (new rule) • Straddle or cross a lane line on a multi-lane road, including a continuous lane line (new rule) • Drive on a painted island to overtake a bicycle rider on a multi-lane road (new rule) • Cross the centre of the road where there is a broken centre line or no centre line Where there is no clear view ahead or it is not safe, a driver will need to slow down behind the bicycle rider and wait until it is safe to overtake with the minimum distance.</td>
</tr>
<tr>
<td>11. Why not just add a bicycle lane to every road or footpath? Wouldn’t this be safer for everyone?</td>
<td>Better infrastructure is critical for safe cycling but we cannot afford to wait for safe cycling infrastructure to be built. Separated bike lanes will never be in every street in Australia. An immediate way to make bicycle riders safer on every road is for drivers to give them enough space.</td>
</tr>
<tr>
<td>12. Do I have to give a metre or more when overtaking a bicycle rider in a bicycle lane?</td>
<td>Yes. You must give the minimum distance when you overtake any bicycle rider, in or out of a bicycle lane.</td>
</tr>
<tr>
<td>13. Sometimes on a narrow or winding road, or a laneway, there isn’t enough room to overtake a bike rider. How can I leave a metre then?</td>
<td>If there isn’t space, you have to wait. This is no different to the current road rules which state that you must not overtake any vehicle, including a bike rider, unless there is enough space to do so safely.</td>
</tr>
<tr>
<td>14. What happens if I need to overtake two bicycle riders cycling beside each other?</td>
<td>You will need to provide the minimum overtaking distance. Bicycle riders can legally ride side-by-side, two abreast as long as they are not more than 1.5 metres apart.</td>
</tr>
<tr>
<td>15. Will this slow down traffic and make congestion worse?</td>
<td>Drivers may need to slow to overtake a bicycle rider safely but there is no evidence that this increases vehicle congestion.</td>
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<td>Question</td>
<td>Answer</td>
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<tr>
<td>16. Isn’t an overtaking distance law 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 4 of this document).</td>
</tr>
<tr>
<td>17. Why don’t bicycle riders have to leave a metre when overtaking pedestrians?</td>
<td>A metre matters focuses on the safety of bicycle riders when sharing the road with motor vehicles. However, we support safe overtaking distances between all road users including bicycle riders allowing a minimum of a metre when overtaking pedestrians in shared spaces.</td>
</tr>
<tr>
<td>18. Why legislate? Wouldn’t a good advertising campaign work better?</td>
<td>A combination of legislation, education and enforcement is needed to achieve behaviour change on the roads. Successful road safety campaigns (e.g. to reduce drink driving, increase seat belt use) have clearly shown the need for all three components to improve safety on our roads.</td>
</tr>
<tr>
<td>19. Will there be a widespread campaign to let people know about the changes?</td>
<td>Yes. Every state or territory that has mandated or is trialling the minimum overtaking distance has backed it up with effective public awareness campaigns. The Stay wider of the rider in Qld, for example, was judged effective by 75% of Queenslanders in community attitude research.</td>
</tr>
<tr>
<td>20. It’s too complicated – it won’t work!</td>
<td>Amending road rules to mandate a minimum overtaking distance works. The majority of bicycle riders in Queensland reported an increase in the space drivers give them since the trial started in April 2014. Over half of South Australian bicycle riders said drivers observed the amended rules. A senior Queensland Police representative said that his initial scepticism had been overturned and that he ‘marvelled at the observable change in behaviour’ he had seen on the roads.</td>
</tr>
<tr>
<td>21. How will the rule be enforced?</td>
<td>Police will enforce the minimum overtaking distance as part of their ongoing role in enforcing road rules. A Queensland police Sergeant said “The previous road rule was very difficult to enforce, there was no objective standard for what was ‘sufficient’. Now we have a clear cut definition”. The Queensland Police Commissioner believes it has made their job easier.</td>
</tr>
<tr>
<td>Question</td>
<td>Answer</td>
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<td>-------------------------------------------------------------------------</td>
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<tr>
<td>22. What’s the fine if I don’t leave the minimum overtaking distance?</td>
<td>This varies between the states and territories that have introduced or are trialling the minimum overtaking distance. Penalties include demerit points and fines ranging from: 2 demerit points, $280 (SA) to 3 demerit points, $353 (Qld).</td>
</tr>
<tr>
<td>23. What’s in it for drivers?</td>
<td>It will reduce risk for drivers too - no driver wants to hit a bicycle rider. The minimum overtaking distance amendment tells drivers how to overtake bicycle riders safely. The current rules are unclear and subjective, and have potentially fatal outcomes. Drivers in community attitude research from Queensland, South Australia and the Australian Capital Territory strongly supported the amended road rules[^6][^7][^8]</td>
</tr>
</tbody>
</table>

[^6]: Crosby & Textor, *Public opinion research into the Queensland Government’s trial of the minimum overtaking distance legislation commissioned by the Amy Gillet Foundation*, October 2015

[^7]: 73% of respondents to a SA Government survey supported the proposed minimum overtaking distances. 65% of South Australians agree with the minimum overtaking distance, Crosby & Textor, *South Australian community attitudes towards bicycle riders and the minimum overtaking distance: benchmark research October 2015*. 88% of ACT residents were at least ‘somewhat supportive’ of a minimum overtaking distance, ACT Government Cycling Reform Pre-Trial Study, Micromex Research, September 2015

3. International precedents

Minimum overtaking distance laws have been enacted internationally with examples in emerging cycling countries with lower rates of participation, similar to Australia (e.g. USA) as well as European countries with more established cycling participation (e.g. Belgium, France).

This section of the document lists existing international road rules related to the minimum distance drivers are required to allow when overtaking bicycle riders.⁹

USA

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

Safe overtaking distance legislation has been enacted in the US since 1973 with Wisconsin the first state to introduce the law. As of December 2015, 27 states and the District of Columbia have laws that specify a minimum distance of 3 feet (0.9m) when drivers overtake bicycle riders and Pennsylvania requires drivers to allow 4 feet (1.2m) when overtaking. The map below shows the states with statutes regarding drivers overtaking bicycle riders.

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Figure 4.1 Map of the USA with statutes regarding drivers overtaking bicycle riders¹⁰

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⁹ While every effort is made to ensure the accuracy and currency of this information, the reader should make its own enquiries.

In 9 other states other laws exist that require drivers to allow a ‘safe distance when overtaking a bicycle rider’.

**USA states with minimum overtaking legislation (Dec 2015)**

<table>
<thead>
<tr>
<th>State</th>
<th>Statute</th>
<th>Summary of Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Alabama</td>
<td>Ala. Code § 32-5A-82</td>
<td>This law defines, for purposes of a vehicle overtaking and passing a bicycle, a safe distance to mean not less than three feet on a roadway that has a marked bicycle lane or a roadway without a marked bicycle lane if the roadway has a marked speed limit of 45 miles per hour or less and the roadway does not have a double yellow line separating cars from oncoming traffic indicating a no passing zone. This shall only apply when a cyclist is riding within two feet of the right shoulder of the roadway.</td>
</tr>
<tr>
<td>2. 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>3. 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>4. 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>5. 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>7. 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>8. 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>9. Florida</td>
<td>Fia. 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>10. 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>11. 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>12. 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>13. Louisiana</td>
<td>La. R.S. 32:376.1</td>
<td>Pass with not less than three (3) feet and maintain such clearance until safely past the overtaken bicycle.</td>
</tr>
<tr>
<td>14. 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>15. 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>16. 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>17. 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>
</tbody>
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<table>
<thead>
<tr>
<th>State</th>
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</tr>
</thead>
<tbody>
<tr>
<td>18. Nebraska</td>
<td>LB 1030</td>
<td>Always allow three (3) feet to the left of the bicycle when passing. Reduce speed and move into the next or oncoming lane to pass. If there is oncoming traffic, reduce speed and follow the bicycle until oncoming traffic clears.</td>
</tr>
<tr>
<td>20. 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>21. 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>22. 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>23. South Dakota</td>
<td>S.D. Codified Laws Ann. § 32-26-26.1</td>
<td>A motorist overtaking a bicycle proceeding in the same direction must allow a minimum of a three foot separation between the right side of the driver’s vehicle, including any mirror or other projection, and the left side of the bicycle if the posted limit is thirty-five miles per hour or less and a minimum of six feet separation if the posted limit is greater than thirty five miles per hour. A motorist overtaking a bicycle proceeding in the same direction may partially cross the highway centerline between two lanes of travel in the same direction if it can be performed safely. The driver of the motor vehicle shall maintain that separation until safely past the overtaken bicycle.</td>
</tr>
<tr>
<td>24. 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>25. 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>27. West Virginia</td>
<td>W Va. Code §17C-7-3</td>
<td>The driver of a vehicle overtaking a bicycle traveling in the same direction shall pass to the left of the bicycle at a distance of not less than three feet at a careful and reduced speed, and may not again drive to the right side of the roadway until safely clear of the overtaken bicycle.</td>
</tr>
<tr>
<td>28. 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>
<tr>
<td>29. Wyoming</td>
<td>Wyo. Stat. §31-5-203</td>
<td>A motorist overtaking and passing a bicycle that is operating lawfully and proceeding in the same direction, must, when space allows, maintain at least a three foot separation between the right side of the driver’s motor vehicle, including all mirrors and other projections from the motor vehicle, and the bicycle.</td>
</tr>
</tbody>
</table>

**Austin, Texas – Police action and enforcement**

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 Austin, the Vulnerable Road Users Ordinance requires drivers to safely pass ‘defenceless’ road users including bicycle riders. The Ordinance requires drivers to wait until it is safe to overtake bicycle riders. The Austin Police department have created a [YouTube clip](http://www.mystatesman.com/news/lifestyles/recreation/getting-serious-about-sharing-the-road/nZCBS/) that clearly details the law and driver requirements. Regular police blitzes target drivers who do not give bicycle riders enough space.12

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Europe
In contrast with Australia, countries in Europe are leading the world with best practice approaches to creating safe transport networks that incorporate motor vehicles, public transport, bicycles, and pedestrians. Approaches that combine bicycle-inclusive 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 cycling and increased safety rates in many European countries. These factors have been cited as reasons why some countries may not have introduced minimum overtaking distance laws. Details of minimum overtaking distance in European countries, translated into English, are included below.

Belgium
Current road rule: The Highway Code, Article 40ter
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 la Route

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

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"
Portugal

Current road rule: **Article 38 of the Highway Code**

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.

Global

Nova Scotia, Canada

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

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.
Numerous campaigns to establish minimum overtaking distance legislation are running concurrently in countries including the United States of America, the United Kingdom, Ireland, South Africa and New Zealand.

The effectiveness of minimum overtaking distance has been shown the following ways:

- Consistency in ‘distance’ and ‘language’ improves effectiveness of the law
- 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:
  - Licensing of motorists 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’.
- 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 bicycle 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.
4. Organisations that support minimum overtaking distance legislation

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

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Community action

In early 2014, the AGF supported Cycling Tasmania in 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.

In 2013, the AGF website provided a platform for individuals to petition their local members of parliament, stating their support a metre matters. Several thousand people sent letters to their members of parliament.

To add your organisation or club to the list of supporters
Contact the Foundation on 03 9533 3180 or info@amygillett.org.au
5. Measurements in road rules in Australia

Specified distances are used widely in Australia and there is clear precedents that support the current action to amend the legislation for a minimum distance when drivers overtake 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

(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.


AGF reference doc: a metre matters, 03/2016
(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 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:
   (b) 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) 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.
6. 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. We are also working towards amending state and territory road rules.

A key component of a metre matters is to amend the road rules across Australia to increase the protection of all bicycle riders. The protection provided by a legislated minimum overtaking distance is both physical and judicial:

- Physical: overtaking with a safe 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 overtake at an unsafe distance; contributes to broader cultural and behavioural change

In this section, we have detailed the amendments required to specify a minimum overtaking distance in the Australian Road Rules and in the road rules for each Australian state and territory. There are several rules that need to be amended to provide the safe distance for bicycle riders when being overtaken and others which allow drivers to provide this distance in all locations. We have marked each road rule with our recommended amendments using red text for wording we recommend be inserted. We are also working directly with the National Transport Commission and the Australian Road Rules Maintenance Group to amend the national road rules.

A quick summary of the road rules in Australia:

Road rules amended – all rules
- South Australia (Oct 2015)

Road rules amended – some rules
- Tasmania (Feb 2015)

Road rule amendments on trial
- Queensland (Apr 2014-Apr 2016)
- Australian Capital Territory (Nov 2015-Nov 2017)
- New South Wales (Mar 2016-Mar 2018)

Yet to amend road rules
- Australia
- Northern Territory
- Victoria
- Western Australia
**South Australia**

Current road rule as from 25 October 2015 [link](#)

**Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014**

11A—Keeping a safe lateral distance when passing bicycle rider

(1) Despite anything in rule 144, a driver of a motor vehicle driving past to the right of the rider of a bicycle travelling in the same direction as the driver must pass the bicycle at a sufficient distance from the bicycle.

Maximum penalty: $2 500.

(2) In this regulation, unless the contrary intention appears—

- **bicycle** includes—
  - (a) the rider of the bicycle and any passenger on the bicycle; and
  - (b) any bicycle trailer towed by the bicycle and any passenger in or on the trailer; and
  - (c) any basket or pannier bags attached to the bicycle or any trailer,

but does not include a flag or stick (whether or not flexible) attached to and projecting sideways from the bicycle or any trailer;

- **bicycle trailer** has the same meaning as in rule 257(2);

- **lateral distance**, from a bicycle that is being passed by the driver of a motor vehicle, means the distance between the following points:

  - (a) the furthermost point to the right on the bicycle;
  - (b) the furthermost point to the left on the driver's vehicle or any projection from the vehicle (whether or not attached to the vehicle);

- **sufficient distance**, from a bicycle that is being passed by the driver of a motor vehicle, means—

  - (a) if the speed limit applying to the driver for the length of road is not more than 60 kilometres per hour—a lateral distance from the bicycle of at least 1 metre; or
  - (b) if the speed limit applying to the driver for the length of road is more than 60 kilometres per hour—a lateral distance from the bicycle of at least 1.5 metres.

11B—Exemption from certain rules when passing bicycle rider

(1) Despite anything in rule 132, 137, 138, 146 or 147, a driver of a motor vehicle driving past to the right of the rider of a bicycle travelling in the same direction as the driver may, if it is necessary in order to comply with regulation 11A for the passing of the rider, do any of the following:

- (a) if the driver is driving on a two-way road without a dividing line or median strip—drive to the right of the centre of the road, provided that the driver has a clear view of any approaching traffic and can do so safely;

- (b) if the driver is driving on a road with a dividing line—drive to the right of the dividing line, provided that the driver has a clear view of any approaching traffic and can do so safely;

- (c) drive—
  - (i) on a dividing strip that is at the same level as the road; or
  - (ii) on or over a single continuous line, or 2 parallel continuous lines, along a
side of or surrounding a painted island,
provided that the driver has a clear view of any approaching traffic and can do so safely;

(d) if the driver is driving on a multi-lane road—drive so that the driver's vehicle is not completely in a marked lane;

(e) if the driver is driving on a road with 2 or more lines of traffic travelling in the same direction as the driver, but without marked lanes—drive so that the driver's vehicle is not completely in a single line of traffic;

(f) if the driver is driving on a multi-lane road—move from one marked lane to another marked lane across a continuous line separating the lanes, provided that the driver can perform the movement safely.

(2) For the purposes of subregulation (1)(c), a dividing strip does not include a painted island and is to be taken to be at the same level as the road even if the dividing strip contains 1 or more raised pavement bars or markers.

(3) Subregulation (1)(a), (b) and (c) do not apply to a service road other than a service road to which a two-way sign applies (in which case they apply to the service road as if it were a separate road).
Tasmania

Current road rule: Road Amendment (Overtaking and Passing Bicycles) Rules 2015 (S.R. 2015, No. 6)

4. Rule 132 amended (Keeping to the left of the centre of a road or the dividing line)

Rule 132 of the Principal Rules is amended as follows:

(a) by omitting from subrule (1) “rule 133 or rule 139(1)” and substituting “rule 133, 139(1) or 139A(1)”; 
(b) by omitting from subrule (2) “rule 134 or rule 139(2)” and substituting “rule 134, 139(2) or 139A(2)”;
(c) by omitting from subrule (3) “rules 133 and 134 and rule 139(1) and (2)” and substituting “rules 133, 134, 139(1) and (2) and 139A”.

5. Rule 137 amended (Keeping off a dividing strip)

Rule 137(1) of the Principal Rules is amended by omitting “rule 139(4)” and substituting “rule 139(4) or 139A(4)”.

6. Rule 138 amended (Keeping off a painted island)

Rule 138(1) of the Principal Rules is amended by omitting “rule 139(4)” and substituting “rule 139(4) or 139A(4)”.

7. Rule 139A inserted

After rule 139 of the Principal Rules, the following rule is inserted in Division 2:

139A. Exceptions for overtaking or passing bicycle rider

(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 or 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) 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 or pass 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 overtake or 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) it is necessary and reasonable, in all the circumstances, for the driver to drive to the right of the dividing line to overtake or pass the rider; and
(c) the driver can do so safely.

(3) For subrule (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 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 overtake or 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) it is necessary and reasonable to drive on the dividing strip or painted island to overtake or pass the rider; and
(c) the driver can do so safely.
(5) For the purposes of subrule (4), a dividing strip is to be treated as being at the same level as the road even if it contains one or more raised pavement bars or markers.

8. Rule 146 amended (Driving within a single marked lane or line of traffic)

Rule 146 of the Principal Rules is amended as follows:

(a) by omitting from subrule (1)(f) "jurisdiction." and substituting "jurisdiction; or";
(b) by inserting the following paragraph after paragraph (f) in subrule (1):
(c) overtaking or passing the rider of a bicycle that is travelling in the same direction as the driver.
(d) by omitting from subrule (2)(e) "obstruction." and substituting "obstruction; or";
(e) by inserting the following paragraph after paragraph (e) in subrule (2):
(f) overtaking or passing the rider of a bicycle that is travelling in the same direction as the driver.

9. Rule 147 substituted

Rule 147 of the Principal Rules is rescinded and the following rule is substituted:

147. Moving from one marked lane to another marked lane across a continuous line separating the lanes

(a) 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 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 another provision of the Road Rules or under another law of this jurisdiction; or
(d) 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; or
(e) either of the marked lanes is a special purpose lane during specified times only and the driver—
(i) is moving to or from that lane outside of the times during which it is a special purpose lane; and
(ii) is permitted to drive in that lane outside of the times during which it is a special purpose lane under the Road Rules.

Penalty: Fine not exceeding 5 penalty units.

Note 1: Marked lane, multi-lane road, obstruction, special purpose lane and traffic control device are defined in the dictionary.

Note 2: An overhead lane control device may require a driver to leave a marked lane – see rule 152.

Note 3: Drivers of certain long vehicles are permitted to use 2 marked lanes when turning at an intersection – see rule 28 (left turns) and rule 32 (right turns).

Note 4: Rule 95 deals with driving in emergency stopping lanes, and Division 6 of this Part deals with driving in other special purpose lanes.
(b) A driver on a multi-lane road may move from one 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 rule 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 rule 111(8) or (9) applies to the driver for the purpose of making the move; or
   (c) the driver is overtaking or passing the rider of a bicycle that is travelling in the same direction as the driver and the driver can perform the movement safely.

10. Rule 371 amended (Transitional rule: crossing broken parallel dividing lines)

Rule 371(2) of the Principal Rules is amended as follows:

   (a) by omitting from paragraph (c) "rule 139(2)." and substituting "rule 139(2); or";
   (b) by inserting the following paragraph after paragraph (c):
      (d) overtake or pass the rider of a bicycle in accordance with rule 139A(2).

Displayed and numbered in accordance with the Rules Publication Act 1953.

Notified in the Gazette on 18 February 2015.

These rules are administered in the Department of State Growth.

EXPLANATORY NOTE

(This note is not part of the rule)

These rules amend the Road Rules 2009 by –

   (a) providing an exemption, from certain road rules, for motorists who are overtaking or passing the rider of a bicycle; and
   (b) allowing a driver, in certain circumstances, to move from one marked lane to another marked lane by crossing a continuous dividing line.
Queensland
- trial from April 2014-April 2016

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

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.

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); and
(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.

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;
(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.

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,
      (ii) the driver can perform the movement safely.
Australian Capital Territory
- trial from November 2015-November 2017

Current road rule: Road Transport Legislation Amendment Regulation 2015 (No 1) (No 33 of 2015) link

Clause 7 New division 2.3.1A Bicycle riders

This clause inserts new sections 38A to 38D which set out the requirements for the driver of a motor vehicle passing the rider of a bicycle that is travelling in the same direction as the driver and riding across a road on a crossing.

Section 38A provides that the driver must pass the rider of a bicycle, travelling in the same direction as the driver, at a sufficient distance from the bicycle or if the rider is riding alongside another rider – the bicycle furthest to the right.

Section 38A(2)(a) defines sufficient distance as being a 1 metre lateral distance when overtaking a cyclist in speed zones at or below 60km/h and a 1.5 metre lateral distance in speed zones above 60km/h.

The lateral distance is defined in section 38A(2)(b) as being measured from the most distance point to the left of the driver’s vehicle, or anything projecting from the vehicle to the most distance point to the right of the bicycle, the rider, or the bicycle’s trailer or any passenger in or on any bicycle trailer.

Section 38B provides for permitted manoeuvres to enable drivers to provide the required lateral distance when passing the rider of a bicycle on narrow roads or roads with narrow lanes. These manoeuvres include driving to the right of the dividing

Clause 8 New section 117

As these amendments are for the purposes of a two year trial, clause 8 inserts new section 117, which requires the Minister to review the operation of division 2.3.1A after the end of its 2nd year of operation. The Minister must present a report of the review to the Legislative Assembly within 3 months after the review is commenced.

Section 117(3) provides that section 117 expires 2 years after the day it commences.
New South Wales
- trial from November 2015-November 2017

The road rule amendments are being introduced in New South Wales from 1 March 2016. The NSW government have launched the ‘Go Together’ campaign which includes the following information about overtaking bicycle riders, link:

Drivers must give bicycle riders at least a metre of space
From 1 March 2016, drivers who pass a bicycle rider must allow a distance of at least:

- 1 metre when the speed limit is 60km/h or less
- 1.5 metres when the speed limit is more than 60km/h

If drivers cannot pass a bicycle rider safely, they should slow down and wait until it is safe to pass the rider, leaving the minimum distance. To help drivers provide the minimum distance, some exemptions to the road rules will apply.

Drivers will be exempt from the following rules, as long as it is safe to pass the bicycle rider with at least a metre of space and they have a clear view of approaching traffic:

- Keep to the left of the centre of the road (two-way road with no dividing line)
- Keep to the left of the centre of a dividing line - broken and unbroken lines
- Keep off a dividing strip
- Keep off a painted island
- Driving within a single marked lane or line of traffic
- Moving from one marked lane to another across a continuous line separating the lanes

Driving penalty
Drivers caught not allowing the minimum distance when passing a bicycle rider face a $319 fine and a penalty of two demerit points.

Actual wording of the amendment to the road rules (Road Rules 2008 under the Road Transport Act 2013) will be added when available.
Australia
- current road rule, amendments yet to be introduced

Current road rule:  Australian Road Rules, February 2012 version, [link](#)

*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.
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.

**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.

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) obeying a traffic control device applying to the marked lane; or
(g) 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.
Northern Territory
- current road rule, amendments yet to be introduced

Current road rule: Traffic Regulations, 1 July 2013, [link](#)

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 in the process of planning direct action in the NT. We welcome the opportunity to discuss the possibility to amend the road rules in the NT.
Victoria
- current road rule, amendments yet to be introduced

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

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. 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.
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.

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.

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.

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.

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, amendments yet to be introduced

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

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.
7. Conclusion

As at the end of January 2016, road rules to specify minimum distances when drivers overtake bicycle riders have been amended in South Australia, are being trialled in Queensland, the Australian Capital Territory and New South Wales, and some road rules have been amended in Tasmania.

The existing road rules remain in the other jurisdictions and the AGF continues to work with those governments for change.

Cycling infrastructure is an important part of creating a safe cycling environment. However, we will never have a bicycle lane on every road in Australia.

a metre matters will create a safe space for every bicycle rider on every road. This is an essential road rule to provide protection and improve bicycle rider safety.

How you can take action

Write to your local Member of Parliament
Use the AGF template to let your MP know that cyclist safety is a priority

Join our call for change
Add the name of your organisation to the supporters of a metre matters – contact the AGF at info@amygillett.org.au
Dear Member of Parliament,

**A metre matters – safe passing distance legislation for over 4.2 million Australians**

In 2015, 4.2 million people rode a bicycle in Australia, 17% of Australians. Cycling participation has increased by 48% in the last ten years.

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

But with an average of 38 bicycle riders killed each year and 10,898 cyclists requiring hospitalisation in 2013-14 – the human trauma costs of cycling in Australia are unacceptable.

Australian Road Rules are failing bicycle riders.

**We are calling on you and your government to implement a metre matters legislation without delay.**

The current road rules require drivers to allow *sufficient* distance when overtaking a bicycle rider. *Sufficient* is vague and subjective and has repeatedly not protected bicycle riders.

In Australia, South Australia has mandated a metre matters, Queensland, the ACT and New South Wales are trialling the laws, and some road rules have been amended in Tasmania to reflect a metre matters.

Implementing a metre matters legislation is a logical and practical step to changing behaviour, and provides an objective measure for law enforcement.

At present every state transport authority where a metre matters legislation has not been implemented ‘recommends’ drivers leave at least one metre when overtaking bike riders.

This communication is clear and easily understood, but not enforceable.

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** 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 at speeds of up to 60km an hour and a **minimum of 1.5 metres** over 60km.

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
- Provides for 1.5m at speeds over 60km an hour
- 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 29 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/programs-resources/a-metre-matters