

TRANSCRIPT

STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

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

Melbourne — 31 May 2016

Members

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Mr Bernie Finn

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Witnesses

Mr Brian Negus, General Manager, Public Policy, and

Mr Dave Jones, Manager, Roads and Traffic, Royal Automobile Club of Victoria.

The CHAIR — I will begin by declaring open the Standing Committee on the Economy and Infrastructure public hearing and welcome all who are present here. Thank you, Mr Negus and Mr Jones, for coming along today. I will just explain that the committee is hearing evidence today in relation to the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015, and the evidence today is being recorded. All evidence taken today is protected by parliamentary privilege. Therefore you are protected for what you say in here, but if you go outside and repeat the same things, those comments may not be protected by this same privilege. Once again, welcome, gentlemen. Thanks for taking the time to come along and present to our committee. I believe you have got a presentation you might like to take us through, and then we will have some questions for you at the end of that presentation. Over to whoever would like to begin.

Visual presentation.

Mr NEGUS — Excellent. Thank you, Chair. I am Brian Negus, as introduced. It is good to appear before the committee. Obviously you have seen our particular evidence, but we thought it would be worthwhile just taking you through a number of slides just to enunciate the essence of what we are putting forward.

As I think hopefully you would be aware, RACV believes that all road users have a responsibility to share the road. We have been involved in the Share the Road campaign with bicycles and cars, with cars and trucks and with cars and trucks and motorcycles. The mix is often a bit difficult, but we have certainly been about respect for all road users and making sure the Share the Road medium is out there very strongly. We have certainly worked in the bicycle area, with both the Amy Gillett Foundation and also Bicycle Network for many years now and in fact run those Share the Road campaigns.

It really is about back to that respect situation but also road users of all types understanding the role of the various vehicles in the road system. For example, with trucks, we advocated very strongly do not jump in front of trucks when they leave a gap; they are leaving a gap for a good reason. That sort of messaging is very strong.

In the bicycle area, it has really been very strong about leaving a metre. We have been very clear about saying there does need to be a separation between bicycles and other road vehicles, be they motorcycles, cars or trucks. We have advocated very strongly for leaving a metre when a vehicle is passing a bicycle. When the speed limit is more than 60 ks, we have been very strong also about saying it is best if you leave more than a metre because basically of the faster speed and of the effect on the cycling fraternity and on bicyclists. I am a bicyclist myself and understand that situation, both about leaving a metre but also about car dooring. If you get too close to cars, that can be a big issue for you as well when you have got parked cars. So we are very strong on that particular campaigning as well, about leaving a metre or more than a metre if in fact you are passing a cyclist.

I would like to go through five key issues and really talk about the recommendations we have made in our submission. They are dynamic measurement of a minimum separation, transferring risks to other road users, the role of bicycle lanes in this particular argument, width of bicycle and vehicle lanes, and also conflict with other regulations, because we believe there are a few there as well.

In terms of dynamic measurement, there is no really reliable evidentiary method by which you can actually measure the separation. That is important from the point of view of a moving vehicle and a separation to a cyclist, and it is also important in terms of a police officer trying to measure that distance in a moving situation from an evidentiary point of view. If you are going to put it in a road rule and you cannot reasonably prosecute for it, then we have a problem with its practicality. Certainly the police have told us that very clearly.

Infringements in that situation will be challenged in court on that lack of evidentiary measurement. It would really be about the perception of the officer concerned as to whether the vehicle was or was not less than a metre from the cyclist. It places the expectation, as I said, on the motorist to estimate that distance, and that again is a practical issue. In that sense, our view is the road rule should not be amended to specify a mandated minimum separation. As I said, we certainly advocate for it, but mandating it is quite a different issue, and it is that where we have the problem.

On the second issue I raised, about transferring risk, the proposed rule will allow motorists to pass bicycle riders by crossing road centre-lines, particularly both a solid single line, the meaning of which changed around 18 months or so ago, and especially double white centre-lines, and they are there for good reason in terms of risk on the road system of vehicles overtaking other vehicles and crossing those single or double lines. Our concern is that that would compromise the safety of other road users, especially on mountainous terrain

roads — sharp bends where double lines have a clear, clear meaning about safety and not overtaking. That is really a key issue from the perspective of safety of other road users if in fact we allow for a motorist passing a cyclist to cross a single or especially a double centre-line. In that sense our recommendation is that the rule not be amended to allow motorists to cross solid centre-lines to pass bicycle riders.

The third point that I would like to raise is that of the role of bicycle lanes. The proposed mandated separation applies to vehicles passing riders in bicycle lanes as well as where there are not bicycle lanes, because it is not specified. However, the vehicles in an adjacent lane are not actually overtaking; they are passing a cyclist because they are in adjacent lanes effectively. One is a bicycle lane; the other is a traffic lane. The diagram that you see there, in St Kilda Road, shows that very point. The bicycle lane is against the parked cars, and then there are two lanes of traffic. In that situation, if the motorist is legally in that left lane and the cyclist is legally in the bicycle lane, they will be closer than a metre. As I said, our view is that is not overtaking. It is passing in adjacent lanes, so the law is silent in that area and does not really confront that particular issue.

Our recommendation there is the road rules not be amended to require motorists to allow mandated minimum separation when passing bicycle riders in an adjacent bicycle lane. Should this be mandated, should this be put into legislation, our recommendation is that it not apply where there are adjacent lanes, effectively a bicycle lane and other road user lane.

The third area is the width of bicycle and vehicle lanes. We are seeing quite a variation across Victoria, even in metropolitan Melbourne, in the width of both bicycle lanes and traffic lanes. There are many examples around Melbourne — in the City of Yarra, for example, in Wellington Street, which I think is a pretty good example of a bicycle lane, where the parking has been banned on one side, there is parking on the other side and there are separated bicycle lanes. However, the lane widths are quite narrow, and therefore you will get that same situation as I just enunciated earlier where a vehicle legally in the traffic lane and a bicycle legally in the bicycle lane will be too close.

Because of that variation, we are finding that a lot of councils, especially in inner Melbourne, are reducing the lane widths either to put in bicycle lanes, to put in more parking or to apply a restriction in those areas. Our concern there is there is not a mandated minimum. Whilst VicRoads has standards, there is not a direct compliance in terms of the width of bicycle lanes to apply, especially in council areas. So that is really a concern to us and is something which would need to be taken into account in this particular argument.

If we look at the diagram that we have got here — and I am pretty sure we have copies of those for you as well, and they are in the presentation — you can see three examples there. There is Collins Street, Melbourne, where there are obviously trams in the centre and the tramline, which is not to be crossed because that is a legal requirement, and we have a bicycle lane of a variable width. In fact in this case the bicycle lane is quite narrow — it is less than a metre — so in fact we have that same conflict situation.

This is Collins Street further up, with the tram safety zone. As you can see, both the traffic lane and the bicycle lane have been squeezed in width, so again we have inconsistencies in terms of lane widths, which does exacerbate the problem we are talking about.

Mount Buffalo Road is an example of minimum width. In fact in that situation a vehicle would not be able to overtake a bicycle, because whilst there is no marked bicycle lane, there is insufficient road width in fact to enable a vehicle to pass. There is actually no double line there, strangely enough, even though it is a 35-kilometre-per-hour curve. Probably it should be a double lane, but if there was that would be a problem. What we are looking at with that situation are recommendations regarding the width of bicycle lanes and of separation.

We have three recommendations in relation to the width of bicycle and vehicle lanes. Research should be undertaken into the relationship between perceived and actual separation of riders and motor vehicles and perceived and actual safety, because we have not seen any reports yet from either overseas or in Australia of those particular situations — both the actual and perceived separation and the actual or perceived safety.

The second one is that VicRoads should mandate and enforce minimum lane widths for bicycle and traffic lanes for all public roads in Victoria. We are not saying they all should be 3.5 metres — quite the contrary — but we are saying there should be a mandated minimum at least which applies to both bicycle and to vehicle lanes. A good example is William Street, where the Melbourne City Council has put in a bicycle lane. In some cases it is

a metre, in other cases it is half a metre and in other cases it disappears completely, and then you have got bicycle boxes at intersections which are of variable width. Those standards are really awful. What we are saying is there needs to be a minimum standard which should apply and should be mandated to make sure we have some clear separation rules.

The third recommendation is that the state government should fund an ongoing program to construct off-road and on-road separated bicycle facilities. We know that they are the safest. Where space is constrained, on-street parking should be removed so that traffic lanes can be retained. The role of roads in these situations should be about moving vehicles, not parked vehicles with zero occupancy. It is about trams, buses, trucks, cars, bicycles and motorcycles. That is the function we should be looking at, and we should be making sure that we facilitate that function, rather than giving it over to parked cars with zero occupancy.

In terms of the conflict with other regulations, recent legislation changes enable motorcycle filtering between the kerb and a line of traffic at less than 40 k. That is in a queued situation or a slow-moving queued situation. RACV supported that particular rule; it was practical. We do not support lane splitting, which is at speed, because that is inherently dangerous. Lane filtering is a different issue, and that has been legalised. The widest point of a motorcycle is readily apparent to the rider; it is pretty much where their hands are on the handlebars. The proposed change pertaining to bicycle clearance will prevent a motorcycle rider from filtering past a bicycle rider in that situation of filtering.

Our recommendation there is that, if the road rules are amended, motorcycle riders should be exempted from mandated minimum separation and only provide sufficient distance, because we do not believe that would be practical either in terms of trying to have motorcyclists mandated in that situation.

In summary, we had a number of recommendations for the committee. Basically the road rules should not be amended to specify a mandated minimum separation, and instead the state government should fund an ongoing mass media and online campaign about the road rules and road behaviours necessary for bicycle riders and other road users to safely share the road. RACV stands ready to be engaged in that campaign, as we have been in the past. Research should be undertaken into the relationship between the perceived and actual separation of riders and motor vehicles and the perceived and actual safety to make sure we have some hard evidence about what the interaction is between the distances we set, even though they are not mandated, and the actual and perceived safety. Thirdly, VicRoads should mandate and enforce minimum lane widths for bicycle and traffic lanes for all public roads to obviate the problem that I went through earlier in relation to the variation in road widths that we see across many, many areas. Fourthly, the state government should fund an ongoing program to construct off-road and on-road separated bicycle facilities. We know they are the safest. And where space is constrained, on-street parking should be removed so that traffic lanes for all road users can be retained.

If the road rules are amended, we recommend that the rule not apply to roads with a solid centre-line, either single or double lines; secondly, that the rule not apply to motorists when passing bicycle riders in an adjacent bicycle lane; and thirdly, that motorcycle riders should be exempt from a mandated minimum separation and only provide sufficient distance. That is our presentation, and between Dave and I we are happy to answer any questions which the committee has.

The CHAIR — Thank you, Mr Negus. Mr Jones, are there any introductory comments you might like to make, or are you happy?

Mr JONES — Just an observation. When talking about motorcycle filtering, Brian mentioned 40 kilometres an hour, and it is actually 30 kilometres in the rule.

Mr NEGUS — My apologies.

The CHAIR — Okay. I thought I might kick off with a question with regard to motorcycle filtering. I am assuming that, if a motorcyclist is going to be filtering through traffic, for this to be of any real concern the motorcyclist would need to be travelling on the left.

Mr NEGUS — On the left, which they can.

The CHAIR — I am just contemplating the safety of the motorcyclist filtering on the left. I can imagine in the middle lane the traffic is presumably going to be going straight ahead, but filtering on the left? Particularly

when you are coming up to traffic lights and the like, I can see a circumstance where that could be dangerous. You have got a cyclist, you have got a motorcyclist and you have got a car. I just cannot imagine — —

Mr NEGUS — And potentially a parked car as well.

The CHAIR — Indeed. Is that a safe scenario, do you think — the motorcyclist filtering on the left-hand side?

Mr JONES — It was much debated in the discussion and all the workshops that were held with the TAC, VicRoads, the motorcycle industry and group representatives at the time. I believe the decision was made to specify between the kerb and motor vehicles and not where there is a parked car. That was specifically banned between parked cars and a line of traffic because of the risk of dooring. But it was deemed to be safe at low speeds — so less than 30 kilometres an hour — if it was a kerb and a motor vehicle and, by implication, it could be a bicycle, depending on the situation.

The CHAIR — We are actually going to be hearing from your colleagues to the north — the RACQ — later this afternoon, straight after your good selves. We note from the submission we have received from them that initially the RACQ were against changes to the law in Queensland, but after it had been implemented they changed their view and certainly also did some surveys, one of which found that 42 per cent of Queenslanders think that the change in rule has made roads safer for cyclists and about the same number want the law permanently instated in Queensland. I wonder: is this law a case of, ‘You legislate it and they will come’, where once it has actually been implemented the view of the community evolves — and maybe an organisation such as your own — from opposition to supporting it once the community is brought along with an education campaign and a true understanding of the importance of keeping cyclists safe on the road?

Mr NEGUS — Yes, and I have discussed this with Steve Spalding, who in fact I think is one of the presenters coming up next from Queensland. In fact I was in Brisbane last week, and we had a chat about it.

So yes, you are right, Chair, that RACQ initially did oppose it on similar principles to us in terms of its practicality in relation to both the motorist estimating the distance and also the police estimating it as well. But then I guess they faced reality. The government of the day legislated to make it law. We have had instances of that in the past, where once it becomes law it is no good banging your head against the wall, as such. You are then in a situation where that is the law, so their view was, ‘We need to now try to make the best of it in terms of doing all we can to promote safety’. They are still promoting the Share the Road campaign that we are promoting as well at the same time, and they are still trying to get the government to do more and more in the education field, which we have proposed as well as the alternative, which is what they proposed prior to it becoming law. So my understanding in talking to Steve Spalding is they were in that situation. So having had it passed they are now trying to actually do what they can to make it operate safely, given that is now the law.

But most of the motoring clubs around Australia — because we have discussed this; we have what is called a public policy forum that meets about every couple of months to discuss a whole bunch of policy issues that are national. We share ideas and share views on what is happening in both the road system and the public transport system, the bicycle system and the like. So our aim really is to make sure we have a singular view, a uniform view if you like, around Australia. Going back a ways that was the case, but RACQ, as I have said, faced the reality that the government of the day legislated.

Mr JONES — A significant role of the public policy part of RACV is giving plain English, clear advice about road rules to our members. People rely on the column in *Royal Auto*, the social media, road rules information and the like. There is no point, I guess, in arguing with what is the law. We convey what the law is. Even if we disagree with the reason why it exists, we convey what the rule is in plain English to people to help them understand the rules they have to obey on the road, and that would be a clear case of it. We might disagree with why the law exists, but it is the law.

Mr NEGUS — A good example is speed cameras. Going back some years there was a lot of controversy about speed cameras and the speed camera commissioner probably helped people to understand the situation by doing a whole lot of testing. At the time, going back five or six years, we kept on saying to people, ‘Look, that is the law. You need to obey the speed camera. We will actually question the validity’, and we did of many speed cameras. As a consequence the speed camera commissioner in fact did get a series of independent tests done and found in some cases there were problems and had them fixed. I think his review of the speed camera

locations and their relevance to road safety problems was underpinned as well. So the community started to get it I think a bit more. There are still a fair number that are opposed, but it is a good example of where RACV actually took the challenge in terms of, 'Yes, it is the law, but we still need to do something about it', and I think our brethren in the RACQ were facing the same situation.

Mr EIDEH — Just a question for you, Mr Negus. In your submission you outline that introducing a minimum passing distance could have an impact on current driver regulation. Could you expand on this please?

Mr NEGUS — Yes, I think I tried to cover that in my presentation. Basically, it was mostly about motorcycle filtering and the proposed changes that would impact on motorcyclists. That is the only piece of existing regulation, the discussion we just had earlier about motorcyclists passing slow-moving vehicles at 30 kilometres per hour — we should correct the record if we could, please; it is 30 not 40 — particularly between a slow-moving vehicle and a parked car or the edge of the road and where a cyclist under this situation would have the right to pass but it would not be possible to leave 1 metre. So you would need to sort out priority in that sense, because there is a conflict in those two pieces of legislation if in fact the 1-metre rule comes in. That is the main issue. There is no other conflict that we know about in terms of the existing regulations.

Mr EIDEH — And could I ask you about your membership? How do your members feel about the introduction of a minimum passing distance?

Mr NEGUS — We do quite a lot of market research. We have actually done a recent piece of market research where we have asked this question. We have not got the results yet so I am not able to share that with you. But certainly anecdotally we have had a lot of people from the community — because it is not just RACV members who ring us up; we are a pretty open line — ringing up and complaining about the situation of being confronted with cyclists causing a problem, probably particularly about running red lights and the like. I know that in Queensland and New South Wales in fact when the legislation was passed in both of those states the governments brought in tougher regulations in relation to cyclists as well. They are the main complaints we have had. I cannot give you any information about what RACV's 2.1 million members or the community thinks; we have not actually got the information yet. I am more than happy to provide that to the committee once we have an answer to that particular question.

The CHAIR — That would be great.

Mr NEGUS — I stress that the market research we do is not just with RACV members. We actually do it open, with the community, but we always ask at the end of the surveys we do, 'Are you an RACV member?'. Generally it is about 75 per cent who are, because of the numbers. So I am happy to share that with you once we have the results.

Mr EIDEH — There are 2.1 million members?

Mr NEGUS — Yes, 2.1 million members. It is a pretty strong sort of plank to actually draw upon. Not that we try to say that we represent, necessarily, 2.1 million members. We have valid demographically based statistical market research, and invariably if we say 'represent', someone will ring up and say, 'Well, you didn't talk to me'. That is the problem.

Ms HARTLAND — I just wanted to ask about a couple of things you raised in your presentation. You talked about how cars would not be able to pass bikes at the tram stops, particularly the super-stops. Cars are going to be travelling at about 15 or 20 kilometres. Can they not just wait until both the car and the bike have passed? What is it? Thirty metres?

Mr NEGUS — Yes, actually it is not just the tram stops. The diagram I showed did show in one case a tram stop, and in the other case there is no tram stop. There is a tram lane and that is quite an extensive length, so yes, the super-stop is about, probably, 30, maybe 40 metres. That is the bottom of the two diagrams. The top one is a yellow-marked tramline. That is for separation, and legally you cannot cross that either. It is quite an extended length where that would apply. Collins Street is a good example, where that tram lane goes for the entire block, basically from Spring Street right through to Spencer Street. Yes, there are super-stops in between where the bottom diagram applies, but the top diagram applies for the entire length of the road, so it is not just tram stops.

I agree with you in terms of tram stops. If it was just that particular location where the squeeze point was, then yes, wait, but when it is the entire length of road — and that is just one example — then it is probably a bit of an issue. I guess our point there is that they are actually marked lanes, so it is not as though the car, the truck or whatever is overtaking the cyclist. They are actually passing in adjacent lanes. That is why our recommendation is that if this rule is brought in, it not apply to adjacent lane manoeuvres, only to overtaking manoeuvres. There is a difference.

Ms HARTLAND — I would have to say, though, a line on the road does not actually give cyclists safety.

Mr NEGUS — I agree.

Ms HARTLAND — I am not sure that that is a particularly good example. If we look at the Mount Buffalo Road as well — —

Mr NEGUS — Sorry, before we leave this one, I happen to agree that it is not a particularly good example because it is against parked cars and so dooring is a real issue. I ride my bike mostly down on the peninsula, and when I am going through the shopping areas I am very vigilant in terms of whether someone is in a car who is going to wipe me out by opening the door. In that situation it is not particularly safe. The reality is that exists in many streets around Melbourne, so it is reality, not something that I would necessarily say is the best. Hence our other recommendation that the government should be investing more in both off-road and on-road separated facilities where you actually have a physical separator, like on Albert Street, although that is a pretty poor example with the posts along Albert Street. But the top of Swanston Street actually has got a physical separator; that is actually quite a good example of a bike lane. There is a physical curb that actually separates the cyclists from the vehicles. That is a good example. Those ones are not particularly good examples.

Ms HARTLAND — The other thing is we were given evidence this morning from a number of country and rural groups who said that in fact it is never going to be possible for them to have physical bike infrastructure, and so for them the separation laws would be incredibly important. Have you considered the situation on country roads?

Mr NEGUS — Width is still the issue. In many situations a lot of cyclists use shoulders, for example, but shoulders can be a bit variable. Some are in a good situation, some are not swept — they are full of stones — or they are unsealed. That is not particularly safe either. But in that sense road width is really key. How you deal with that is pretty important.

I guess again the same proposal that we have got applies — that is, if you are passing a cyclist, you should be leaving at least a metre, or more if in fact you are travelling at higher speed. We believe a mass communication campaign — education campaign — is the best way of trying to get safety into the system as distinct from bringing in a road rule.

Ms HARTLAND — What is the difference in your mind then between saying that it should be a metre separation and you not wanting to support a mandated separation?

Mr NEGUS — Well, in our view, it is no good bringing in a law if it is impractical to enforce it, and that is mainly the point. So we strongly, as I have said many times this afternoon, promote at least a metre or more. The police evidence, as I understand it, said quite clearly that actually estimating the distance from an evidentiary perspective is not possible, and therefore it could be challenged in court. In that sense bringing in a law that cannot be properly enforced does not seem very sensible.

Ms HARTLAND — I am somewhat intrigued by, in your recommendations:

The state government fund an ongoing mass media and online campaign about the road rules and behaviours necessary for bicycle riders and other road users ...

So you seem to be laying that behaviour on bike riders. Much of the evidence we have received is about motorists deliberately riding too close, trying to scare cyclists. We had a shocking example of that this morning from one of the witnesses. But in yours, you are talking about the behaviour of bike riders. You do not seem to be talking much about the behaviour of drivers.

Mr NEGUS — Apologies if that is the way it is phrased, but certainly it is the behaviour of road users.

Ms HARTLAND — No, you have got bike riders.

Mr JONES — It is bike riders and other road users.

Ms HARTLAND — No, no, you say ‘behaviours necessary for’ bike riders. It would appear to me that you are putting it on the bike riders. I am not saying all bike riders are angels; I absolutely acknowledge that. But someone in a car versus someone on a bike — we know who is going to come off second best. It concerns me that I am not sure that you actually understand that it is actually often drivers that are a problem.

Mr NEGUS — No, we clearly do. As Dave just said, it does say ‘bicycle riders and other road users’. I would change it around and just say it is really about educating road users in total. It is bicycle riders, motorcycle riders, car drivers, truck drivers, bus drivers — it is the full range. If we expressed it in a way which you think does not really cover that, then I am more than happy to correct that.

Ms HARTLAND — Back to Mount Buffalo, the other point I was trying to make about that was that on a road like that, because the drivers are not going to be able to see what is oncoming, they should just be staying behind until they can actually see what is going on. I think we also have to be pushing for drivers to just have more patience.

Mr NEGUS — I agree.

Ms HARTLAND — But they are not going to do that unless it is mandatory.

Mr JONES — I am not so sure about that. It is a pretty hard sell to the general public living somewhere like the Yarra Ranges and the like that if they are stuck behind a rider slowly riding up a narrow road at 5 kilometres an hour, they have to sit there because they are worried about getting a fine if they are 97 centimetres clear versus 103. We think it is about people passing safely and being educated about things they need to look for and also being able to have the right signals in the road environment about when it is safe or not safe to pass, such as double white lines, and relying on them.

Ms HARTLAND — Can you talk to me about what the distance is that you think is safe to pass a cyclist? Take that example of Mount Buffalo. What is the distance that you think is safe to pass a bike?

Mr JONES — I do not think it is an argument we need to get into.

Ms HARTLAND — No, actually I think it really important. I need to understand where you are coming from, and so I need to understand what you think is safe for a car to pass a bike.

Mr JONES — I would argue that sufficient distance is necessary. It depends upon the speed of the motor vehicle and perhaps the size of the motor vehicle, as well as the speed of the rider.

Ms HARTLAND — That is not the question I asked. I asked what the distance should be that you think would make it safe when a driver is passing a cyclist.

Mr JONES — And I do not think we need to answer that question, because I am saying that it is not as clear cut that there is a fixed distance — —

Ms HARTLAND — I think it is really amazing that the RACV, the body that represents, as you have already said, huge numbers of drivers, cannot say to me what it thinks is a safe distance for passing a cyclist, yet you think that this legislation is unnecessary. I think you have got to bring evidence to us.

Mr NEGUS — I think it is going to depend, as Dave has already said, on the speed of the bicycle and of the vehicle behind and whether it is actually slowed right down. It is going to depend on the road topography. If you are on a straight, it is probably around 10 or 15 metres in reality. In a straight situation where you have got full visibility, you can just go around the cyclist if they are travelling at 5 or 10 kilometres. If they are going down that road coming this way and they are travelling at about 40 or 50 kilometres an hour, it is a quite different distance because it takes longer to pass. So it depends on the speed, it depends on the topography and it depends on the width of the road. There is no one answer. It depends on the situation you want to put before us.

Ms HARTLAND — Well, you are the one giving evidence, so it is your responsibility to actually state a number, I think.

Mr NEGUS — Do you have in mind a particular distance which you think is safe to pass?

Ms HARTLAND — The legislation we are putting up is what I think it should be, but I am asking you your opinion, and you have not been able to state an opinion, which I think is quite unfortunate.

Mr NEGUS — I am saying it varies depending on the issues I mentioned: topography, the speed of the bicycle, the speed of the cyclist and the sight distance.

The CHAIR — We might move on. I am conscious of time.

Mr LEANE — I will be brief. Does the RACV have a recommendation to motorists of a minimum distance to pass another car or another truck?

Mr JONES — No.

Mr NEGUS — There is nothing legislated in that situation. As Dave said, a safe distance for the manoeuvre, or words to that effect, is the way the regulation is phrased.

Mr LEANE — Taking out the bend on a road like Mount Buffalo Road, it is quite straight, and depending, like you said, on oncoming traffic. If I was arguing for the cyclists, it could be a slow-moving truck and you would have to wait until you had a safe distance to overtake and also not get too close to the truck you were overtaking obviously. I think the cyclist would have a similar argument where just because they are moving slowly they could be the same as a slow truck, and they should have a similar sort of distance between them as you would if you were overtaking another motor vehicle.

Mr NEGUS — Yes, I would agree with that. In fact our view would be, on a road like we see here — let us say it is straight, like you said — if in fact there is a car coming the other way, then obviously the car should sit behind the cyclist until it is safe to overtake. That is effectively what the road rules already say: you should actually only overtake when it is safe to do so. That applies to a bicyclist, a motorcyclist — —

Mr LEANE — Yes, any vehicle.

Mr NEGUS — Any vehicle, so if you are overtaking a cyclist, overtaking a car, overtaking a truck, it is the same rule: you should only overtake when it is safe to do so. You do not need a specific regulation about a metre in that situation because the overtaking manoeuvre needs to be safe.

Mr LEANE — Do you think that all motorists understand their responsibility in that situation?

Mr NEGUS — No, I do not, hence our push for a particular marketing campaign, which, as I said, we are happy to actually do, as we have done with the Share the Road campaign. We are more than happy to join with the state government and the state authorities in strong promotion about understanding the rules, understanding what is safe behaviour and what is not. That can be particularly targeted to overtaking bicycles. In that situation we are more than happy to be involved in that.

Mr LEANE — Thanks for that.

The CHAIR — Excellent. Thank you, Mr Negus, and thank you, Mr Jones, for providing evidence to our committee today. You will be provided with a copy of the transcript of today's evidence for proofreading, and that will eventually make its way onto the committee's website. Once again, thank you for taking the time to come along and provide evidence to the committee.

Mr NEGUS — It was our pleasure.

Mr JONES — Thank you very much.

Witnesses withdrew.