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## Brisbane Central Business District Bicycle User Group

### CBD BUG

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The Honourable Mark Bailey MP  
Minister for Transport and Main Roads  
GPO Box 2644  
BRISBANE QLD 4001

Via email to: [transportandmainroads@ministerial.qld.gov.au](mailto:transportandmainroads@ministerial.qld.gov.au)

Dear Minister Bailey

I refer to the 1 November 2022 changes to the *Transport Operations (Road Use Management—Road Rules) Regulation 2009* articulating the requirements for motor vehicle drivers who are entering/leaving the road, and turning at intersections, to give way to people riding bicycles (and personal mobility devices (PMD)).

CBD BUG members very much welcome these amendments as they have made Queensland road rules more internally consistent in terms of how motorists must give way to pedestrians, bicycle riders and PMD riders. This is especially important for bicycle riders obliged to ride on footpaths because motor vehicle drivers make the road too intimidating and dangerous.

However, despite these changes there remains inconsistencies/omissions. The first instance to highlight is in relation to *S63 Giving way at an intersection with traffic lights not operating or only partly operating*.

S63(3) was not changed, when it should have been amended to state a driver must give way to any rider of a bicycle or a PMD at or near the intersection in accordance with section 72 or 73 as if the intersection were an intersection without traffic lights or a stop sign, stop line, give way sign or give way line.

Another inconsistency/omission is in relation to *S75 Giving way when entering a road-related area or adjacent land from a road*. S75(1)(b) currently only requires a driver when entering a road-related area or adjacent land from a road to give way to “any vehicle or pedestrian on any road-related area that the driver crosses or enters”. However, this section should also require a driver making this manoeuvre to also give way to “any bicycle and PMD rider on any road-related area that the driver crosses or enters”. Beyond this, there are still other inconsistencies in the wording in comparison to *S74 Giving way when entering a road from a road-related area or adjacent land*.

In addition to these inconsistencies/omissions arising from the November 2022 road rule amendments, CBD BUG members are also concerned about the dearth of public awareness raising by the Queensland Government about these rule changes.

Since 1 November 2022 the only awareness raising about these rule changes CBD BUG members have seen has been just two Facebook posts by StreetSmarts (<https://www.facebook.com/streetsmartsQLD>), on 24 January 2023 and 27 January 2023. As a side note, many of the responses to these posts indicates a poor understanding of the road rules applying to bicycle riders, as well as antipathy towards all vulnerable road users, clearly highlighting the need for more stringent moderation of this account.

In contrast, during this same time there has been five StreetSmarts Facebook posts (1 November 2022, 4 November 2022, 7 November 2022, 14 November 2022 and 17 November 2022) highlighting the new fines for PMD riders, which suggests a bias by TMR about the responsibilities of different road users for safety as it is motorists who cause the overwhelming majority of road fatalities and injuries each year.

The video “Giving Way” on TMR’s webpage at <https://www.qld.gov.au/transport/safety/rules/road/give-way> makes no mention of when a driver must to give way to vulnerable road users when turning at an intersection and also omits any information about giving way when entering or leaving the road to/ from a road-related area or adjacent land. These are major omissions.

TMR’s webpage *Sharing the road with bicycle and personal mobility device riders* (<https://www.qld.gov.au/transport/safety/rules/other/cyclists>), which one would expect is provided for the information/education of drivers, should also highlight these road rules. Bizarrely though, at top of this page are listed the responsibilities of bicycle and PMD riders to obey the same general road rules as motorists as well as the bicycle road rules. This webpage then also states bicycle riders and PMD riders who break the law are subject to the same fines as motorists, before further down the page eventually getting to the road rule obligations of drivers towards bicycle and PMD riders.

As detailing the responsibilities of bicycle and PMD riders on this page is inappropriate they should be moved to another TMR webpage dedicated to that topic, and instead, the rules for drivers overtaking bicycle riders and giving way to bicycle and PMD riders should appear at the top of this page.

This action would be consistent with the related TMR webpage - *Sharing the road with pedestrians* (<https://www.qld.gov.au/transport/safety/rules/other/pedestrians>), which appropriately, only presents a list of the circumstances in which a driver must give way to pedestrians.

The give away rules for motor vehicle drivers towards bicycle and PMD riders should also be included in the learners permit and drivers licence testing regimes as mandatory “correct response” – so new drivers are informed of these obligations from the time they start driving.

These messages need to be reinforced as part of a broader integrated marketing campaign - as driver behaviour and public comments (as referenced above) indicates clearly there is widespread ignorance about these rules. This should also cover off some of the commonly held myths that underpin driver hostility towards bicycle/PDB riders – such as who pays for the roads.

On a related front, the last comprehensive review of the Queensland road rules pertaining to bicycle riders was completed in November 2013 with the report from the Inquiry into Cycling Issues by the Queensland Parliament’s Transport, Housing and Local Government Committee. There continues to be a raft of other cyclist-hostile provisions in the road rules that need to be changed to make bicycle riding more safe and convenient.

As just one example of the need for such change, laws regarding the on-street storage of vehicles need to be improved. Far too often motorists fail to park as close as practical to a kerb - reducing the space for people riding bicycles. This is particular concern to the CBD BUG when the parking lane is shared as a bike lane. In these circumstances it is not uncommon for a driver to use the lane line as a guide instead of the kerb – leading to vehicles being parked far out from the kerb. In these cases, the benefits of the painted bike lanes are in practical terms reduced to nil.

We will be writing to you shortly to detail these and calling for this much need regulatory overhaul.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Paul French', enclosed in a thin black rectangular border.

Paul French  
Co-convenor  
Brisbane CBD BUG  
15 February 2023

Cc: Bicycle Queensland  
Space for Cycling Brisbane