



Office of the  
Minister for Police, Fire and Emergency Services and  
Minister for Corrective Services

Ref No: 16124 P1 LE

24 MAR 2015

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Dr Richard Bean  
Co-convenor  
Brisbane CBD Bicycle User Group  
GPO Box 2104  
BRISBANE QLD 4001

Dear Dr Bean

Thank you for your email of 17 February 2015, to the Honourable Jo-Ann Miller MP, Minister for Police, Fire and Emergency Services and Minister for Corrective Services, about section 144A of the Queensland Road Rules. I have been asked to respond to you on behalf of the Minister.

The Minister appreciates you taking the time to share your concerns with her. She requested that the Queensland Police Service (QPS) make personal contact with you so our office could be better informed about the issues you have raised.

I am advised Acting Inspector Wayne Hutchings of the Road Policing Command recently contacted your co-convenor Paul French.

The QPS is committed to making the community safer. In fact, reducing road trauma is part of the overall QPS mission statement. As with any offence against the road rules, the QPS will investigate cyclist related offences to establish if sufficient evidence exists to support the instigation of proceedings. The primary test for the decision to instigate a proceeding is the "sufficiency of evidence" test. Put simply, is there sufficient available and admissible evidence to prove the alleged offence. That decision will be made on a case and place basis.

I am advised some of the evidential limitations and challenges to achieve a successful prosecution for failing to keep a minimum distance when overtaking cyclists have been discussed with you. The use of dash/helmet-cam devices is a valuable source of evidence in relation to possible breaches of the rule. Where such evidence is available your members are encouraged to provide this to police in order that the matter may be progressed further. The recordings may provide police with an independent version of events to assist establishing contributing actions and to help investigators to apportion cause to the appropriate party. As with all evidence in a proceeding, any recordings would be subject to admissibility.

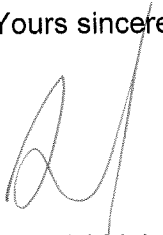
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As you would be aware, this rule came into effect on 7 April 2014 and will be reviewed within two years of operation. I encourage the Bicycle User Group and other stakeholders to constructively participate in that review process when it commences.

If you require further information, Acting Inspector Wayne Hutchings of the Road Policing Command is available on telephone (07) 3238 6650.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to be 'M. Biddulph', written over a thin horizontal line.

**Mark Biddulph**  
**Chief of Staff**