



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

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18 MAY 2016

Mr Richard Bean
richard.bean@gmail.com

Dear Mr Bean

Thank you for your email of 6 April 2016 to the Honourable Bill Byrne MP, Minister for Police, Fire and Emergency Services and Minister for Corrective Services regarding a news item about minimum distance passing rules.

I have been asked to respond to you on behalf of the Minister on this occasion.

The Minister appreciates you taking the time to share your concerns and requested advice from the Queensland Police Service (QPS) so that our office can be better informed about the issues you have raised.

With regards to your concerns about enforcement of the minimum distance passing rules, I am advised that each complaint received about alleged breaches of this rule must be treated as a potential matter to be determined by a court. Notwithstanding the provisions of the *State Penalties Enforcement Act 1999*, to instigate proceedings, police must have evidence to prosecute the alleged offender. It is only after careful consideration of the sufficiency of evidence and public interest tests that a police officer can serve an infringement notice under the *State Penalties Enforcement Act 1999*.

I am told that to satisfy the sufficiency of evidence, each complaint requires a thorough investigation which can include interviewing complainants, potential witnesses and the alleged offender. All complainants must be willing and able to give evidence. Further, if a witness is providing a video recording to be admissible in evidence, it needs to be properly authenticated. I am advised that police officers also need to locate the alleged offender and offer them an interview to obtain their version of events. Consideration needs to be given as to whether they have an excuse or defence available to them at law.

The safety of all road users, in particular vulnerable road users, is of paramount importance. As such, the QPS remains committed to enforcement activities coupled with education programs to modify road user behaviour. I am advised the QPS meets regularly with stakeholders, including bicycle organisations to address safety concerns.

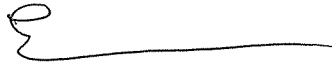
Should cyclists wish to provide feedback about this rule, they can report it to their local police station or to Policelink (<https://www.police.qld.gov.au/programs/policelink/>).

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Should you require further information, Senior Sergeant Neil O'Sullivan of Road Policing Command is available on telephone (07) 3238 6603.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'E' followed by a long horizontal line.

Ellen McIntyre
Chief of Staff