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When life isn't fair, we'll help you to fight for everything you're entitled to. Because at Maurice Blackburn Lawyers we fight for fair.



The cyclist's guide to Queensland road rules

Every time you get on your bicycle you want to be safe and arrive in one piece. You want to believe that fellow road users will do the right thing and protect you from harm. If we're to see a reduction in cycling deaths and injuries, motorists and bicycle riders must both take responsibility by being aware of which road laws exist to protect cyclists. This guide is designed to help road users understand Queensland's road rules and provide some helpful tips along the way.

This Guide deals with topics of a technical nature in general terms only, and does not constitute professional legal advice. Whilst all efforts have been made to ensure accuracy as at the date of publication, the law is complex and always changing. No responsibility is accepted for loss incurred by any person acting or failing to take action in reliance upon any information within or omitted from this Guide.

For more information on offences and fines, visit: www.qld.gov.au/transport/safety/fines/demerit/cycling

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According to Queensland road rules, bicycles are considered to be 'vehicles'. You don't need to hold a driver's licence to ride a bicycle, but to keep safe it's important you understand your rights and responsibilities.

For further information on the Queensland Road Rules, visit: www.tmr.qld.gov.au/Safety/Queensland-road-rules



Before you hit the road

Is it a bicycle?

In Queensland a bicycle is defined as being a vehicle with two or more wheels that is designed to be propelled by human power (through a belt, chain or gears), even if it has an auxiliary motor (but not an internal combustion engine). As such, riders of tricycles, pedicabs, penny-farthings and power-assisted bicycles are all required to follow the same rules as motorists, as well as those specific to cyclists.

Being seen and heard

If riding on a road or pathway you must ensure your bicycle has:

- at least one effective brake; and
- a horn/bell/other working device.

Helmets

The road rules require you, and any passengers, to wear an approved (Australian Standard 2063 or AS/NZS 2063) bicycle helmet. This helmet must be worn on your head, and properly fitted and fastened.

The law does not prohibit attaching a camera to a bicycle helmet, as long as the camera is not mounted in a way that damages the structural integrity of the helmet (such as holes drilled into the helmet), and the helmet remains compliant with Australian standards.

There are a few instances where you may not be required to wear a helmet, including:

- If you have a doctor's certificate stating that, for a specific amount of time, you cannot wear a helmet for medical reasons or because you have a physical characteristic that makes it unreasonable for you to wear one. Such medical certificates must be carried with you every time you ride without a helmet.
- If you're a member of a religious group and are wearing a customarily worn headdress that makes it impractical to wear a helmet.
- If you're riding on private property.

The Queensland Police Service may impose fines for cyclists who fail to wear a helmet. Visit www.qld.gov.au/transport/safety/fines/demerit/cycling for more information on fines.

Cyclists must not ride at night or in hazardous weather conditions without:

- a flashing or steady white light that is clearly visible for at least 200m from the front of the bicycle; and
- a flashing or steady red light that is clearly visible for at least 200m from the rear of the bicycle; and
- a red reflector that is clearly visible for at least 50m from the rear of the bicycle when light is projected onto it by a vehicle's headlight on low-beam.

Remember, road users must not ring a bell or sound a horn, unless in warning.



Know the rules before you hit the road

While much work has gone into addressing the often inflammatory and incorrect opinions and stereotypes held by motorists against cyclists, each bicycle owner can benefit from a deeper understanding of the road rules. The vast majority of these rules are specifically designed for riders safety.

Position on a bike

When riding a bicycle on the road, you must sit:

- Facing forward; and
- With a leg on each side of the rider's seat; and
- Ride with at least one hand on the handlebars.

Fines can apply if you're not facing forwards whilst seated, or do not have at least one hand on the handlebars.

Speed limits

Cyclists must follow the same speed limits as motorists.

Interacting with traffic

Cyclists must not cause a traffic hazard by moving into the path of a motorist or pedestrian.

A cyclist must not ride within 2 m of the rear of another vehicle being followed for more than 200m, and cannot be towed by another vehicle whilst on a bicycle.

Keeping left and overtaking

Cyclists must ride as near as is safely possible to the far left hand side of the road. You're allowed to ride on or across a white edge line to ride along the road shoulder. You should not overtake another vehicle on the left if that vehicle is indicating and turning left.

On a multi-lane road you can travel in the right hand lane if necessary to make a right turn.

Riding two-abreast

You should not ride more than two-abreast unless overtaking, and should ensure you ride within 1.5m of the other rider.



Being passed by cars

Motorists are required to 'stay wider of the rider', which means that they must allow at least one metre between themselves and the cyclist if the road is marked with a 60km/h speed limit, and at least 1.5m if the applicable speed limit is more than 60km/h.

This distance is measured between the furthestmost left point on the vehicle (or any projection from the vehicle) and the furthestmost point to the right on the bicycle or bicycle trailer (including a basket or pannier bags, but not flags or sticks that project sideways from the bicycle).

Where cyclists are riding two-abreast, the minimum passing distance must be kept from the cyclist furthest to the right.

Motorists can cross the centre lines, including double unbroken centre lines, straddle lane-lines or drive on painted islands to pass bicycle riders, provided the motorist has a clear view of any approaching traffic and it is safe to do so.

If the minimum distance cannot be abided in passing a cyclist, then the vehicle needs to slow down and wait until it is safe to pass, at the minimum distance.

This law only applies to motorists passing cyclists, not cyclists passing vehicles.

There is a monetary penalty and demerit point penalty for a driver passing too close to a cyclist. For more information on offences and fines visit: www.qld.gov.au/transport/safety/fines/demerit/cycling.

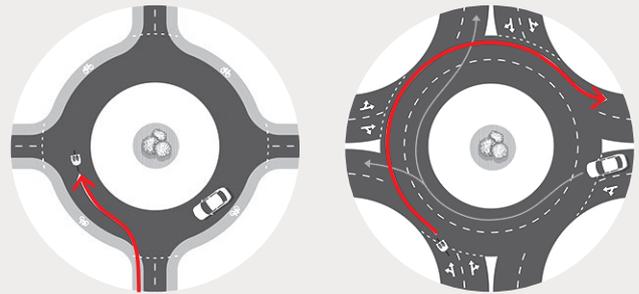


Turning

Hand signals must be given when turning right. To give a hand signal for changing direction to the right, a cyclist is required to extend their right arm and hand horizontally, and at right angles from the right side of their bicycle, with their hand open and the palm facing the direction of travel.

Instead of performing a right hand turn on busy roads, cyclists are permitted to make a hook turn to turn right (unless there is a sign prohibiting this).

Cyclists can also complete a right hand turn from a right or left hand lane, and are not required to travel solely in the lanes with the appropriate directional arrows. But, if a cyclist makes a right turn from the left lane, they must give way to any vehicle that is crossing their path to leave the roundabout, as they are crossing lanes each time they pass an exit.



Roundabouts

At a roundabout motorists must:

- Enter the roundabout from the left hand lane, or as close as possible to the left side of the road if intending to leave the roundabout less than halfway around it.
- Enter the roundabout from the right marked lane, or as near as possible to the median strip of the road if leaving the roundabout more than halfway around it.
- Comply with any directional lane arrows.

Lane filtering

Lane filtering is cycling down the space between two lanes of traffic, whereas edge filtering is travelling on the edge of the road while the rider is passing one or more stationary or slow vehicles on the road. It's legal for motorcyclists to lane or edge filter, and there is no rule against it for cyclists, however:

- You must ensure that you do not cause a traffic hazard by moving into the path of a motorist;
- Not ride within 2m of the rear of another vehicle being followed for more than 200m;
- Cycle as near as is safely possible to the far left side of the road.

Cyclists may ride alongside more than one other rider if they're overtaking other vehicles on a multi-lane road. But, if it's not a multi-lane road, the bicyclist must ride not over 1.5m from the other rider.

Traffic Control

Traffic lights

Cyclists must observe all the traffic lights, specifically bicycle crossing lights.

When approaching an amber/yellow bicycle crossing light you must stop, unless you've already started crossing the intersection.

If the bicycle crossing lights change from green to yellow, flashing yellow, red or flashing red while you are riding across the road, you must not stay on the road for any longer than necessary to allow you to safely cross to the other side of the road, or return to the side of the road you have just left (if it's closer and quicker).



Bicycle storage areas

A bicycle storage area is the area of road before an intersection with traffic lights that:

- Has one or more painted bicycle symbols; and
- Is between two parallel stop lines (but does not include any stop line).

A cyclist entering a bicycle storage area must give way to:

- Any vehicle that's in the area; and
- If the area is before any green or yellow traffic lights, any motor vehicle that is entering or about to enter the area (unless the motor vehicle is turning in a direction that is controlled by a red traffic arrow); and
- If the area forms part of a lane to which traffic arrows apply, any motor vehicle that is entering or about to enter the area at a time when those arrows are green or yellow.

If a cyclist is in a bicycle storage area that extends across more than one lane of a multi-lane road and gets a green light, they must give way to a motorist that is in another lane, unless the motor vehicle is turning in a direction controlled by a red traffic arrow.

No bicycle signs

A cyclist cannot ride along a road or footpath where a 'no bicycles sign' is displayed.

A no bicycles sign is enforced from the area where the sign is displayed to the nearest of the:

- bicycle path sign or bicycle path road marking;
- bicycle lane sign;
- a separated footpath sign or separated footpath road marking;
- a shared path sign;
- an end no bicycles sign;
- the next intersection.



Traffic islands

Cyclists must not ride on a traffic island (except the central traffic island in a roundabout), unless the traffic island is designed to allow vehicles to be driven on it.

Where can cyclists ride?

Bicycle lanes

Bicycle lanes are marked with a white bicycle symbol and the word 'lane' painted in white. They often finish with an end bicycle lane sign, a white bicycle symbol and the words 'end lane' painted in white.

Cyclists should always use a bicycle lane where provided, unless it's impractical to do so. When riding in a bicycle lane, you must travel in the same direction of travel as the vehicles in the lane beside you.

If stopping or parking is permitted in a bicycle lane, a motorist can drive for up to 50m in the bicycle lane to stop or park at that place.

Bus, tram and transit lanes

Bicycle riders can ride in bus, tram and transit lanes, unless specifically prohibited from doing so. But, you should always make a considered decision about whether this is the safest place for you to be riding, and what other alternatives may be available to you.

Shared pathways or footpaths

If you're riding on a footpath or shared path (as long as there isn't a 'no bicycles' sign), you must:

- Keep left on a shared footpath; and
- Give way to pedestrians.

Note: local laws may provide restrictions to these general rules.

If you're riding on a bicycle path, footpath, separated footpath or shared path you must keep to the left of any oncoming cyclist or person using a personal mobility device.

Cyclists on separated paths can only ride on the side designated for cyclists, and must stay out of the pedestrian lane.



Crossings

Cyclists approaching a children's or pedestrian crossing must ride at a speed at which they can stop before the crossing, if necessary. A cyclist is also required to stop if a pedestrian or another cyclist is on or entering the crossing. Cyclists shouldn't continue riding again until the pedestrian or other cyclist has left the crossing.

In addition, if it's a children's crossing you must stop riding before the stop line if a hand-held stop sign is displayed, and cannot proceed until the holder of the hand held sign has lowered it, or otherwise indicates that you may proceed. But, if there's a dividing strip in the road, each side of the dividing strip is considered to be a separate children's crossing.

A cyclist can ride across a children's crossing, marked foot crossing or a pedestrian crossing only if they stop as near as practicable to the crossing before riding across the crossing. The cyclist must ride slowly and safely and give way to pedestrians on the crossing; and keep to the left of an oncoming cyclist or a person using a personal mobility device.

Cyclists can ride across a marked foot crossing only if:

- The bicycle crossing lights permit this; or
- If there is no bicycle crossing lights, and a pedestrian is allowed to cross the crossing.

Fines can be imposed by the Queensland Police Service if you do not obey the above rules.

Bike parking

Motorists cannot stop on roads with bicycle parking signs, unless they are dropping off, or picking up, passengers. Cyclists may stop in these areas.

Offences and Fines

Fines can be imposed by the Queensland Police Service for cyclists who fail to comply with the below rules.

Drink/drug riding

Under Queensland law, cyclists are subject to the same alcohol laws as motorists and as such can be charged with 'drink riding'.

The Police do not have the power to randomly breathalyse cyclists, but can arrest cyclists suspected of being intoxicated. They may then seek your permission to breathalyse you, or rely upon their observations.

Even though you don't need a driver's licence to ride a bicycle on a road, you can still be charged with drink driving. The blood alcohol concentration (BAC) level that applies to you depends on whether or not you hold a driver's licence:

Licence status	BAC level permitted
No licence - under 25	0
No licence - 25 or over	Under 0.05
P or L plates - under 20	0
P or L plates - 25 or over	Under 0.05
Open drivers' licence	Under 0.05

If the concentration of alcohol in your blood is more than permitted, you will be charged and can lose your driver's licence.

Did you know?

Cycling after drinking creates a heightened risk of being involved in an accident.

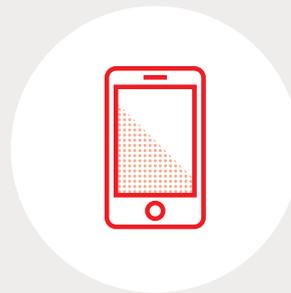
Towing and following offences

Cyclists must not hold on to a moving vehicle whilst on the road or pathway.

Cyclists must not ride a bicycle within 2m of the rear of a moving vehicle for more than 200 metres.

Cyclists cannot lead an animal whilst riding a bicycle.

Cyclists cannot tow a person in a bicycle trailer unless they're 16 years or older, and the passenger is under 10 years of age.



Use of mobile phones

Texting whilst riding is dangerous!

Cyclists must adhere to the same road rules as motorists, when it comes to the use of mobile phones while riding. As a rider you can't:

- hold a phone to, or near, your ear, whether or not engaged in a phone call
- write, send or read a text message on the phone
- turn the phone on or off
- operate any other function of the phone.

Riding with kids - the essentials

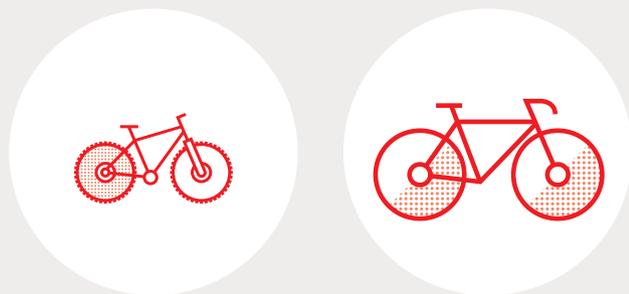
Where to ride

Children can ride on the road, but it may be safer for them to ride on the footpath.

Carrying passengers

'Doubling' or 'dinking' another person is against the law in Queensland. Passengers can only sit on your bicycle if they're on a seat.

All children must wear a properly fitting and fastened helmet that meets Australian safety standards.



Child seats

Cyclists must not carry more people on a bicycle than the bicycle is designed to carry.

This means you can only carry a child in a child's seat if the bicycle is designed for this purpose and fitted with a proper seat. Your bicycle may be fitted with a front and rear seat.

The child must remain in the child seat (unless you are parked).

Trailers

Cyclists can only tow a bicycle trailer if they are 16 years of age or older, and the child in the trailer is under 10 years of age and is wearing a helmet.

Attaching a flag to your trailer makes it easier for motorists to see it, and adding reflectors to the side (yellow) and back (red) is also highly recommended.

What to do in the event of an accident

1. STOP!

If the accident results in injury or death or damage to any property, you must stay at or near the scene of the accident. Penalties including imprisonment can apply if you fail to remain at the scene.

Cyclists sometimes report feeling threatened at an accident scene, without the safety of a vehicle to retreat to. If a threat of harm is made against you, and you need to leave the scene, it's recommended that you advise the Police of your reason for leaving the location as soon as possible to reduce the likelihood of such penalties applying.

2. ASSIST

If you're involved in an accident you must immediately assist an injured person, and make reasonable efforts to obtain medical assistance via calling emergency services on 000. Hazardous situations (such as blocked roads, chemical spills, fallen lines) may also need to be reported on emergency lines.

Should I report the accident to the Police?

All road users (including drivers, riders, owners, passengers, cyclists, pedestrians - regardless of who is at fault) **must** report an accident to Police **within twenty four (24) hours** if it involves:

- **Death or injury** requiring medical attention; or
- A vehicle is **not drivable** and is towed away.

Penalties including fines or imprisonment can apply if such accidents are not reported.

If the accident did not cause death or injury requiring medical attention and the vehicle was driveable, but you:

- Cannot get the driver to provide the required identification details (see below);
- Suspect the driver:
 - was affected by drugs or alcohol;
 - was unlicensed;
 - has provided false details;
- Suspect the vehicle was unregistered or there are suspicious circumstances around the accident;

You should contact Police on non-emergency contact lines such as Policelink (**131 444**).

What information should I collect?

If it's safe to do so, cyclists should obtain as many details as possible. The driver is required to provide you with the following information:

- Their full legal name and address;
- The name and address of the owner of the vehicle;
- The vehicle registration number; and
- Any other information necessary to identify the vehicle.

If the driver will not provide the above information, you should call Policelink and the Police may then decide to attend.

While the driver is not legally required to provide the following information, you should also try and obtain from them:

- Their telephone number and driver's licence number.
- The make, model, colour and registration number of the vehicle.

The telephone number of the owner of the motor vehicle where the at fault driver is not the owner of the car.

TIP: If the vehicle's registration are papers in the car, the driver can show you the vehicle's registration details.



It is also very useful to:

- Take photographs of the damage, skid marks, car parts, and
- Record:
 - Names, addresses and telephone numbers of any witnesses.
 - Time and date of the accident.
 - Details such as the speed limit, number of lanes, weather and road conditions at the time of the accident.

What do I do after an accident?

Monitor your body and emotions, as not all injuries are apparent within the first 48 hours after an accident. See a doctor to get any symptoms or injuries medically documented.

If you haven't already reported the accident to your local police station, do so as soon as possible. Minor accidents can be reported via:

- the Queensland Police Services website (see also the Cyclists Online Complaint Form).
- calling the Police on non-emergency lines, or in person at your local station.

If you discover that you've sustained an injury in an accident, you may be required to report the accident in person.

Ask the Police for an incident report number, or the name of the Officer investigating the accident.

If you couldn't take photographs at the scene of the accident, take photographs as soon as possible afterwards as accident debris quickly disappears. Remember, bruising and swelling usually becomes apparent in the days afterwards - ensure you photograph this too.

Insurance - the essentials

Cyclists are not legally required to obtain insurance, but it's a good idea to obtain an insurance policy that can provide coverage if:

- Your bike is damaged or stolen;
- You get injured whilst riding ('personal injury insurance');
- You injure someone else or damage their property ('third party insurance')

There are many different insurance options, and you can obtain insurance through insurance companies or sometimes as part of cycling club memberships.

Compensation for property damage

If you don't have insurance, and your bicycle is damaged in an accident in Queensland, and someone else caused the damage you can bring a claim under the Property Agents and Motor Dealers Act 2000.

Warning! Time limits apply. Seek legal help if intending to make a claim.

Compensation for injury or death

If you've suffered a road-related injury that was caused by someone else, or was partly someone else's fault (whether it was a car, truck, bus or motorbike), you may be able to make a compulsory third party (CTP) claim for compensation.



If you can't identify the person who was at fault in your motor vehicle accident, you can make a common law claim against the 'nominal' defendant.

The following categories of people may be able to make a CTP claim:

- a cyclist injured in an accident where the other vehicle was at fault;
- a passenger (such as in a bicycle trailer) injured in an accident with another vehicle;
- a pedestrian hit by a vehicle
- a cyclist hit by a vehicle or hitting an opening door of a vehicle ('dooring')
- people injured when the at fault vehicle cannot be identified or is unregistered
- a person who witnesses one of these accidents
- the dependants of someone who dies in an accident

It is important you make a CTP claim as soon as possible as you may be entitled to reimbursement for your reasonable medical expenses, and compensation for loss of income while you recover from your injuries.

Warning! Time limits apply and it's important to seek help when lodging a complaint.

The road ahead

Thanks to significant campaigning in Queensland we're seeing improved road safety rules in favour of cyclists. But the laws themselves are not enough. Increased awareness and respects for the rights of cyclists on the roads is needed to promote increased respect for their appearance on our roads.

Maurice Blackburn are the preferred legal supplier for Tri Q members. For more information on how Maurice Blackburn can get you back on track, call **1800 810 812** or visit mauriceblackburn.com.au

Read the signs

Image credit: TMR Queensland



Separated Path



Shared Path



No Bicycles



Share the Road



Pedestrian Crossing Ahead



Road Ahead



Bicycle Route



Bicycle Awareness Zone



Bicycle Path

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Strathpine

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