



Minister for Main Roads, Road Safety and Ports
Minister for Energy and Water Supply

Our ref: PET 14157

Your ref: 10.4 Petitions

- 2 JUN 2015

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
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Dear Mr Laurie

I refer to a petition number 2320-14 lodged with the Legislative Assembly on 5 May 2015 about the civil compensation system for personal injuries arising from incidents between motorists and bicyclists.

The petitioner has requested the House enact legislation for the reversal of the onus of proof in collisions between motor vehicles and pedestrians or cyclists. The petitioner submits that the onus of proof should be reversed so that pedestrians and cyclists involved in a collision should not bear the responsibility of proving that fault for the incident rests with the motorist.

Further, the petitioner submits that those vulnerable members of the community, such as children, the elderly or those with disabilities, should, if injured in a collision with a motorist, receive full compensation for their injuries regardless of any fault attributable to them.

Compulsory third party insurance, which has been longstanding in Queensland, is designed to protect those third parties who suffer injuries as a result of motor vehicle accidents.

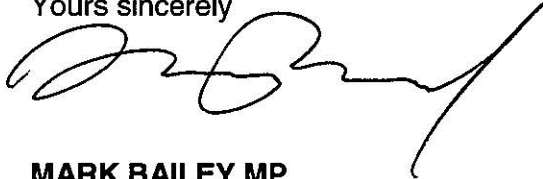
While I agree with the petitioner that pedestrians and cyclists involved in collisions with motor vehicles are more physically vulnerable as a result of the obvious absence of the same level of physical protection afforded by a vehicle to the driver and passengers of that vehicle, it does not necessarily follow that the driver of the vehicle is at fault or even that their actions have contributed to the accident.

The Department of Transport and Main Roads has been actively encouraging all road users, including cyclists and pedestrians, to demonstrate an increased awareness of their fellow road users and to equitably and safely "share the road". Initiatives such as this will continue so as to increase awareness of road safety generally and to decrease the number of unfortunate accidents that we see on Queensland roads every year.

Matters concerning the onus of proof and insurance for motor vehicle accidents is the Ministerial responsibility of the Honourable Mr Curtis Pitt, Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships. Mr Pitt's administrative units administer the *Motor Accident Insurance Act 1994*. The petitioner may wish to take up this petition with the Motor Accident Insurance Commission and/or Queensland Treasury.

The Department of Transport and Main Roads will continue its focus on road safety generally and specifically increased safe sharing of the road and road-related spaces by all users, including pedestrians and cyclists.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Bailey', written in a cursive style.

MARK BAILEY MP
Minister for Main Roads, Road Safety and Ports and
Minister for Energy and Water Supply