

a metre matters: using a public policy approach to create a safer cycling environment in Australia

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ABSTRACT

Population level behavioural change to create a safer cycling environment is an essential yet complex task. While in Australia the overall road toll is decreasing, in recent years the number of fatal cyclist crashes is increasing. The Amy Gillett Foundation (AGF), Australia's national cycling safety organisation, is dedicated to creating a safe cycling environment in Australia. This paper presents a case study of an AGF driver behaviour change campaign, *a metre matters* using the public policy approach to injury prevention. The public policy approach to injury prevention comprises three elements: problem recognition; preparation of injury prevention policy; and creation of political will. A convergence of these three elements creates opportunities to catalyse policy action. Australia has limited physically separated cycling facilities and typically all cyclists will need to travel on the road alongside moving vehicular traffic for some, or all, of their trip. *Problem recognition* occurred during a doctoral research study (MJ) that identified the need for drivers to allow a minimum lateral clearance distance when overtaking cyclists. This led to the development of the public awareness campaign, *a metre matters*. The Amy Gillett Foundation (AGF) convened with road safety experts and sought legal advice to develop the *injury prevention policy* to address this safety gap. The court finding following the death of a cyclist that a driver would not be held legally accountable galvanised the AGF, members of the public and several members of parliament across Australia to generate *political will*. Through the convergence of these three elements a *window of opportunity* was recognised, which resulted in the amendment of the road rules in Queensland and the implementation of a comprehensive education campaign in New South Wales and Tasmania. The public policy approach to injury prevention provides an important framework for the process from problem recognition to action in the community.

Keywords: cyclist safety, a metre matters, public policy approach to injury prevention, minimum overtaking distance

1 INTRODUCTION

In Australia, the reduction of the road toll in recent decades is an often celebrated indicator of the progress made in road safety (Walls, Curtis et al. 2012). Over the last decade to 2013, national annual road fatalities decreased by 25 percent, fatalities per population decreased by 35 percent and the count of fatal crashes decreased by 23 percent (Bureau of Infrastructure Transport and Regional Economics 2014, iii).

While the success of the road toll reduction is commendable, this trend is not reflected in the number of cyclist fatalities. In 2013, 50 cyclists were killed in Australia, a 51.5 percent increase from the previous year (Bureau of Infrastructure Transport and Regional Economics 2014) and continues a concerning trend of increasing cyclist fatalities. Figure 1 presents the actual number of road fatalities in Australia for all road users (primary axis) and for cyclists (secondary axis) and the forecast number of fatalities for each group for 2014 based on the number of actual fatalities for the period 1 January to 31 July 2014 (Australian Government 2014). In addition, cyclists account for 17.9 percent (n=9572) percent of all land transport serious injury crashes (AIHW, Henley et al. 2012).

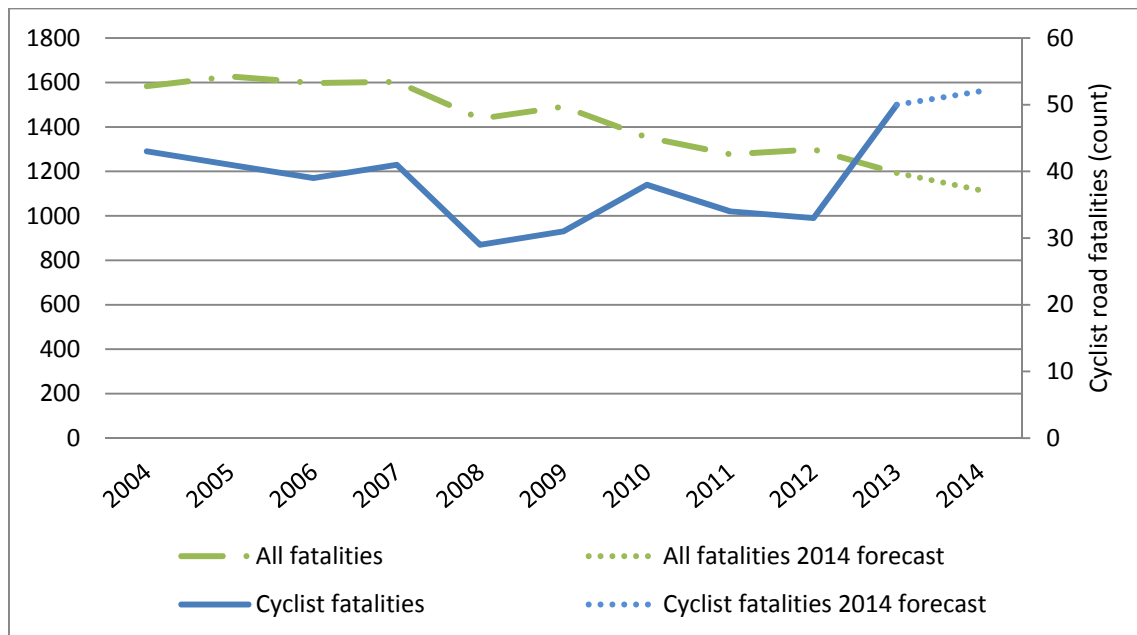


Figure 1 Road crash fatalities, for all road users and cyclists (actual and forecast for 2014)

Road safety in Australia is underpinned by the Safe System approach which, based on the Dutch Sustainable Safety (Wegman, Aarts et al. 2008) and the Swedish Vision Zero (Tingvall and Haworth 1999) approaches, recognises that humans will make mistakes in the road network but that the outcome of those mistakes should not be death or serious injury. The Safe System approach recognises that a systems approach is needed to improve road safety, to that end the four pillars of the approach are: safer people, safer roads and roadsides, safer speeds and safer vehicles. Currently in Australia, action to improve safety for cyclists is needed across all four pillars as many factors infringe the safety of cyclists.

1.1 The Amy Gillett Foundation – national cycling safety organisation

The Amy Gillett Foundation (AGF) is Australia's national organisation dedicated to creating a safe cycling environment. The AGF was born out of tragedy, the death of Amy Gillett, who was hit by an out of control motorist whilst cycling with her National Team mates in Germany. Since its inception in July 2005, the AGF has been a catalyst for change and the work of the Foundation has been underpinned by scientific evidence and the Safe System approach.

In this paper we present a case study of how an intervention to improve cycling safety was successfully implemented in Australia, within the existing constraints and opportunities of a largely car-centric nation. The case study is an AGF campaign, *a metre matters* and we present how the theoretical framework the public policy approach to injury prevention was used to implement the campaign and create change. The next section provides an overview of the theoretical framework, followed by the case study and a revised framework of the theory in action.

2 THEORETICAL FRAMEWORK – PUBLIC POLICY APPROACH TO INJURY PREVENTION

The theoretical framework applied was the public policy approach to injury prevention (Bugeja et al., 2011), adapted from Kingdon's streams approach to policy making (Kingdon 1984)(Figure 2). Such public policy frameworks have been drawn from to inform advances in injury prevention implementation, for example in falls management (Poulos, Zwi et al. 2007) and sports injury prevention (Poulos, Donaldson et al. 2010).

The public policy approach to injury prevention is a tool for practitioners to create and recognise windows of opportunity for policy action. It is argued that the practitioner creates such opportunities by encouraging the convergence of: (1) problem recognition; (2) policy development; and (3) political will. While evidence based paradigms remain critical to underpin this model, the focus is to facilitate the implementation of effective policy interventions.

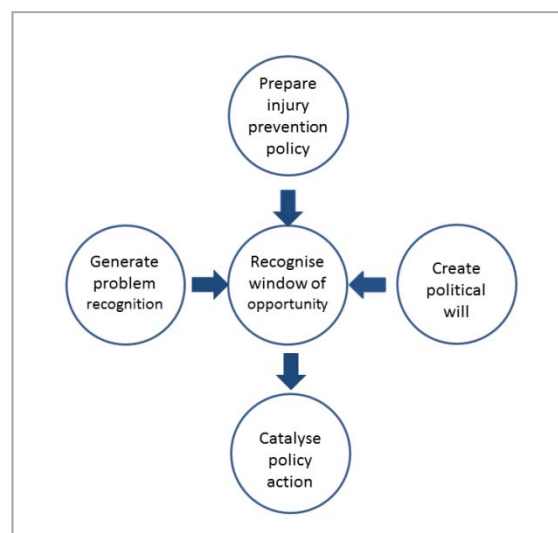


Figure 2 Public policy approach to injury prevention – theoretical framework (Bugeja, McClure et al. 2011)

3 CASE STUDY – *a metre matters*

When road safety is viewed through the lens of cycling, there are many factors that need to be addressed to create a safe cycling environment. While some of these factors may contribute to a safe road network for all road users (e.g. appropriate speed limits, limits on alcohol consumption, avoiding fatigue), other actions are cyclist specific. In accordance with the public policy approach to injury prevention, the most effective way to approach a multifactorial issue is to identify a single element and focus efforts and momentum to create change. In this section, we present the three elements of the public policy approach to injury prevention framework that lead to recognising a window of opportunity for the implementation of a cycling safety intervention.

3.1 Generate problem recognition

In Australia there are few environments that provide separated space for cyclists to travel that are physically segregated from drivers. Scenic off-road paths provide enjoyable touristic or leisure routes, however few of these facilities provide meaningful connections that could be used for everyday commuting. While there is a continuing investment in on-road bike lanes (i.e. painted lanes alongside the vehicular lane with no physical separation) particularly in the capital cities and inner city suburbs, for most Australians, riding a bike means riding alongside moving vehicular traffic with no delineation (Department of Infrastructure and Transport 2012). Consequently the most serious cyclist crash outcomes, in particular fatal and serious injury crashes, involve a motor vehicle (Garrard, Greaves et al. 2010).

To identify the main contributing factors to crashes between cyclists and drivers, the AGF created the Safe Family Research Scholarship (Amy's maiden name was Safe) to support a doctoral research candidate (MJ). The issue that drivers were not providing cyclists with a safe overtaking distance was identified during that research. In particular, crashes that involved drivers hitting cyclists was the crash type that resulted in the highest number of cyclist fatalities (Australian Transport Safety Bureau 2006). Further, in the UK, Walker reported discrepancies in the lateral clearance drivers provided to cyclists depending on their gender, position on the road and use of helmets, with males wearing helmets being afforded the least lateral clearance distance by drivers (Walker 2007).

The cycling environment in Australia has more in common with the United States than European countries with few segregated facilities. Like Australia, the United States of America does not traditionally have a bicycle-inclusive approach to bike use. Similarly, there is a need to provide a safe space for bicycle riders as they travel across the vast road network. Laws that require drivers to leave a minimum 3-feet (0.91m) lateral distance when overtaking bicycle riders have been implemented in **23** states in the United States. One state has implemented a 4-feet rule (Pennsylvania); another has introduced a 2-feet rule (Virginia). In Texas, despite the lack of a state law, several cities have implemented the 3-feet law including Austin, Fort Worth, Beaumont, El Paso, Helotes, New Braunfels, San Antonio and Denton. In 19 other states other laws exist that require drivers to allow a 'safe distance when overtaking a bicycle rider'.

In addition, findings from Australia's first naturalistic cycling study, conducted as part of the doctoral research, identified that vehicles merging from the left, sideswipe and left turn across, all behaviours involving the vehicle overtaking the bicycle rider, accounted for 74 percent of all near crashes/safety critical events observed (Johnson, Charlton et al. 2010). Frequently the cyclist needed to take avoidance action, swerving to the left or braking, to prevent a collision.

In the absence of segregated cycling facilities, cyclists are reliant on drivers to provide adequate overtaking distance when passing. Notably, the recommendation to drivers to leave a least one metre when overtaking cyclists is in the driver licence handbooks in six out of eight jurisdictions in Australia (exceptions: Queensland and the Australian Capital Territory).

However, given the high proportion of overtaking related crashes and safety critical events, this recommendation was not reflected in safe driving practices. The simple premise – drivers not hitting bicycle riders – was a fundamental change needed to improve cyclist safety when cyclists and drivers must share a road space (Johnson, Gaudry et al. 2013). To achieve this goal, the AGF prepared an injury prevention policy.

3.3 Prepare injury prevention policy

The preparation of an injury prevention policy by the AGF that addressed drivers providing a safe distance when overtaking cyclists occurred in two distinct stages, an awareness/education campaign and legislative amendment.

3.3.1 Awareness/education campaign – a metre matters

The first step in developing a comprehensive injury prevention policy was the creation of the AGF *a metre matters* campaign in 2009. Initially an awareness raising campaign, the alliterative tagline was developed to encourage recall with a clear graphic to visually communicate the message of a safe passing distance to road users (Figure 3). The campaign was launched in November 2009 by the then Federal Minister for Transport, the Honourable Anthony Albanese. At that time there was bipartisan support for the campaign message, and the principle that action was needed to improve safety for cyclists.



Figure 3 *a metre matters* campaign graphic

The campaign was delivered nationally, on roadside billboards, outdoor advertising shells in public transport stops, stickers, backpack covers, and mass participation cycling event jerseys. Through a corporate partnership with rental car company Europcar, the *a metre matters* message was used on swing-tags hung on the rear vision mirror of 70,000 rental cars in Australia in November-December 2012 and March-April 2013. From August 2013, the entire Europcar fleet (12,000) has a co-branded AGF and Europcar *a metre matters* stickers on the rear windscreen.

As an education/awareness campaign, *a metre matters* continued for three and a half years, the main action was promoting awareness of the message. The focus of this action changed in May 2013 when a cyclist fatality elevated the campaign from awareness and education to a call for legislative amendment.

3.3.2 Legislative amendment

In May 2013, a Brisbane court announced its findings following the death of 22 year old cyclist, Richard Pollett. The crash had occurred in 2011, Richard was riding his bike in Brisbane when he was hit by a cement truck and killed. The driver of the truck was accused of driving dangerously and causing the death of a cyclist, however, he claimed that he had thought there was sufficient space to overtake Richard safely. In May 2013, the Brisbane District Court found the driver not guilty and that it was reasonable that the driver presumed adequate space.

This finding highlighted the lack of legislative protection for cyclists when riding on the road with drivers. Importantly, this outcome indicated to the AGF that education and awareness was failing to keep cyclists safe or hold drivers to account. The response of the AGF was to reassess the focus of *a metre matters* and to shift the campaign from awareness and education to a call for legislative change and develop the next component of the injury prevention policy.

As a federated nation, Australia has federal, model road rules, however there is inconsistency in the adoption and modification of road rules between jurisdictions. In May 2013, the road rules in Australia were based on the federal model road rules and did not specify a minimum overtaking distance that drivers must provide when overtaking cyclists. The main federal road rules, and its equivalent in each state is road rule 144 (ARR 144) and states that:

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A driver overtaking a vehicle:

- (a) must pass the vehicle at a sufficient distance to avoid a collision with the vehicle or obstructing the path of the vehicle; and
- (b) must not return to the marked lane or line of traffic where the vehicle is travelling until the driver is a sufficient distance past the vehicle to avoid a collision with the vehicle or obstructing the path of the vehicle.

The major issue with the existing law was the word *sufficient*. This subjective terms meant that the overtaking distance provided when overtaking cyclists, and therefore their relative safety, was at the discretion of drivers and their subjective interpretation of this vague instruction. Often the accepted definition of 'sufficient' has been that the vehicle has not hit the cyclist (Queensland Police Services 2014). While a crash does not occur, this definition fails to recognise the impact on cyclists' experience as being overtaken too closely is an uncomfortable and potentially frightening and dangerous situation (Johnson, Chong et al. 2014).

The legislative amendment component of the injury prevention policy was fundamentally an amendment to ARR144. Amendments of the model national road rules and the equivalent road rule in each jurisdiction were drafted and a report that consolidated the existing evidence *Minimum overtaking distance: AGF position, rationale and the evidence*, which was published online in October 2013 (Amy Gillett Foundation 2013). The drafted amendment to the legislation was:

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- (1) A driver overtaking a vehicle—
 - (a) must pass the vehicle at a sufficient distance to avoid a collision with the vehicle or obstructing the path of the vehicle; and

(b) must not return to the marked lane or line of traffic where the vehicle is travelling until the driver is a sufficient distance past the vehicle to avoid a collision with the vehicle or obstructing the path of the vehicle.

- (2) For the purposes of this subsection 144(1)(a), *a sufficient distance* for passing a bicycle means:
- (a) a lateral distance of not less than 1 metre if the applicable speed-limit does not exceed 60 km/h; and
 - (b) a lateral distance of not less than 1.5 metres if the applicable speed-limit exceeds 60 km/h.

Notes

A sufficient distance for subsection 144(2), is the lateral distance measured from the furthest right side of the bicycle or bicycle's rider to the left side of the driver's vehicle including mirrors or other projections including trailers and other attachments.

This ARR applies at all times, including when the bicycle is travelling in a marked bicycle lane.

Draft amendments for related road rules that related to permitting drivers to overtake cyclists safely were also included, that is: ARR 139 Exceptions for avoiding obstructions on the road; ARR146 Driving within a single marked lane or line of traffic, and; ARR147 Moving from one marked lane to another marked lane across a continuous line separating the lanes.

3.4 Create political will

According to the public policy approach to injury prevention, political will is greater than the support of elected members of Parliament. Political will requires the broader recognition and acceptance of the issue and the need to take action by individuals and collectives so that 'its legitimacy is authorised by that constituency and its representatives' (Bugeja, McClure et al. 2011: 63) in order to affect change. In our case study, there were three distinct contributing factors that created political will for change: the court finding and escalation of action; public support, and; support from several members of Parliament and the outcomes from two Parliamentary Inquiries.

3.4.1 Court finding and escalation of action

The finding of the Brisbane court in May 2013 that the driver responsible for the crash that led to Richard Pollett's death would not be held responsible was evidence that the existing road rules did not protect cyclists when sharing the road with drivers. It was clear to the AGF that an escalation of action was critical.

In June 2013, the AGF created opportunities for the community to voice their support for legislative change. An online forum was launched where public could have their say about safe overtaking distances. A form letter was available on the AGF website that individuals and organisations could add their name to and send to their local member of parliament to call for legislative amendment. Social media networks were used to forward the call to action to close to 100,000 followers. Support from major cycling organisations including Cycling Australia and MTB Australia helped spread the word.

3.4.2 Public support

Widespread support for legislative change was received from across the community including businesses, local government and thousands of individuals.

In total, the AGF was copied in on over 1,000 letters to MPs from the general public, the total number of letters sent is unknown. Over 180 organisations publicly supported legislative change for safer overtaking distances in the AGF report (Amy Gillett Foundation 2013). The organisations were from a wide range of public and private sectors including: cycling (e.g.

cycling clubs, bike user groups), peak cycling organisations (e.g. Cycling Australia, MTB Australia), local businesses, local councils, health (e.g. Heart Foundation, Australian Orthopaedic Association) and corporate supporters (e.g. Subaru, Trek, Europcar, JC Decaux).

Further, a national *a metre matters* petition signed by over 29,100 Australians was tabled to the federal parliament on 29 May 2013 by Andrew Nikolic (Member of Parliament). The petition was sponsored by Cycling Tasmania a peak body for competitive and recreational cycling in that state. In addition to the thousands of signatures from members of the public, the petition was also signed by professional cyclists including Ritchie Porte, member of Team Sky, Cadel Evans, 2011 Tour de France winner and Anna Meares, world champion and Olympic gold medalist. Regarding the level of support, despite the almost 30,000 signatures it was estimate that the support for the petition was significantly greater. However, all petitions to the Australian Parliament must be submitted in hard copy with original signatures. The lack of an online option to sign the petition was considered to a major gap in the opportunity to evidence public support.

3.4.3 Members of Parliament and Parliamentary Inquiries

While there was bipartisan support from the major political parties at the launch of *a metre matters* as an awareness campaign, and presumably in principle for the behaviour change, the main support for the call for legislative change was from the minor parties.

As a direct result of the public letters from the members of the public, members of the Greens party contacted the AGF to collaborate on the drafting of amendments to legislation. This led to the giving of notice for private members bills in South Australia (a Bill was lodged in June 2013), Victoria and New South Wales.

The three elements of the public policy approach to injury prevention were achieved over the four years since the identification of safe overtaking distance as an issue during the doctoral research project. With an evidence-based policy, widespread public and growing political support, the window of opportunity presented in mid-2013 that would galvanise policy action.

3.4 Recognise window of opportunity

The window of opportunity recognised was in the form of two Parliamentary Inquiries that directly addressed issues of cycling. In May 2013, the Australian Capital Territory Parliament announced an Inquiry into Vulnerable Road Users including cyclists and in June 2013, the Queensland Parliament announced an Inquiry into Cycling Issues that specifically included consideration of minimum overtaking distance.

The AGF made substantive submissions to both inquiries. The intensity of the response was possible because of the solid foundation of the previous four years of work. In addition to the submissions, the AGF provided evidence at public hearings, additional out of session advice as requested and were invited participants at the Queensland roundtable forum.

While the initial research identified the safety issue, in accordance with the public policy approach to injury prevention, the public policy was entirely conceptualised with in the public domain. The AGF led the action and sustained the strength and focus of the public engagement to produce amendment to legislation in one Australian state.

3.5 Catalyse policy action

From the perspective of this case study, the most significant outcome was the decision by the Queensland government to support a two year trial of the road rule amendments that specify the minimum distances a driver must provide when overtaking cyclists. The trial commenced on 7 April 2014 and includes the specific distances that is 1m in speed zones up to 60km/h and 1.5m in higher speed zones and amended of related road rules to permit drivers to overtake safely and legally. There has been an extensive awareness campaign called *Stay Wider of the Rider* to inform the public about the changes to the road rules including an informative online explanation (see <http://www.youtube.com/watch?v=I7yYikzTBsA>).

In Figure 4, the public policy approach to injury prevention is revised with the action taken in each element of the framework during this case study. This framework in practice illustrates the context for each stage leading to the amendment to legislation outcome.

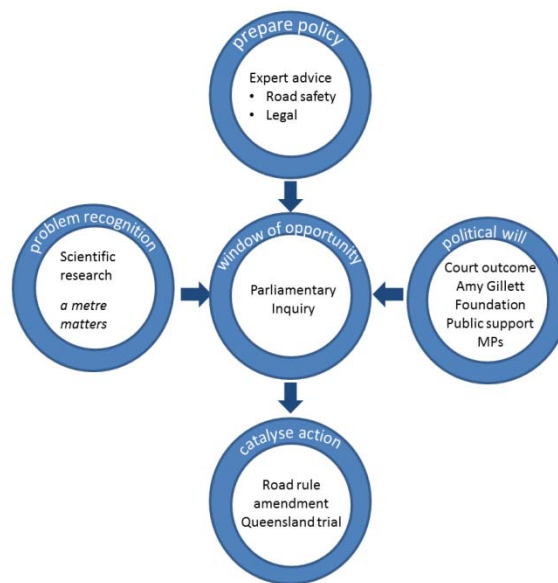


Figure 4 Public policy approach to injury prevention – framework in practice

The Queensland decision has provided immediate impacts on the road network in Queensland, however nationally the response has been a cautious watching brief. Other jurisdictions are choosing to wait to see the outcome of the Queensland trial, in two years' time, before taking action to amend their road rules.

During this waiting period two states, New South Wales and Tasmania have committed to delivering a comprehensive education campaign aimed at both safe behaviours of both cyclists and drivers. The campaign, *It's a two way street*, was launched in New South Wales in February 2014 and will be launched in Tasmania by the end of 2014. This campaign includes the a metre matters message and while it is not a direct amendment to the road rules, the campaign continues to build community awareness of the need for safer road user behaviour, including the message of safe overtaking distances for cyclists.

The road rule amendments in Queensland are an important step in creating a safe environment for cyclists in Australia. However, evaluating the effectiveness of the changes will be challenging. No pre-trial measurements were conducted prior to the trial start, which precludes a pre- and post-evaluation. It may be possible to evaluate the effectiveness of the

trail using other indicators (e.g. infringements issued to drivers, incidence of crashes involving overtaking vehicles) but these may also be problematic. Anecdotal evidence from the Queensland Police Service after the first two months of the change found that very few drivers were infringing (i.e. overtaking cyclists too closely) and they suggested that the high awareness of the campaign has led to improved driver behaviour. Incidence of crashes may also be difficult to assess as the rate of crashes can be correlated to the volume of cyclists and changes in exposure over time. Currently, meaningful exposure measurement data (e.g. trip frequency, length, route etc.) are not generated in Australia so any calculation of crash rate would be compromised. While there may be experiential benefits for cyclists who share the road with drivers who do provide a safe passing distance, this may not be evident in the available quantifiable data.

5 CONCLUSIONS AND NEXT STEPS

The success of this case study is an example of focused effort on one issue through the entire public policy approach to injury prevention process. However, addressing minimum overtaking distance is only one safety concern. As we identified earlier, cyclist safety is a complex, multifactorial issue and it could be argued that a more integrated systems approach to change would yield greater safety gains. We argue that there is a risk in a 'system' approach to change, as without a focused call to action, there is potential for this approach to confuse and dilute key messages and to lead to inertia. Taking action on one issue at time could be considered slow, however as this case study has shown targeting a single issue does result in change.

While we have achieved success in Queensland the amendment to the road rules, the work continues to maintain the focus on this issue and ensure that all element of the public policy approach are strengthened to respond to the next window of opportunity.

Given the success of this approach, the AGF will continue to push for change using the public policy approach with the next critical issue: driver education. In Australia there is very little cycling-related content in the driver licensing and skill development training and it is possible for someone in to attain a full driver's licence without being asked any questions about cyclists or being tested on any skills related to sharing the road with cyclists. Again we will apply the theoretical framework of the public policy approach to injury prevention to continue to create a safe cycling environment in Australia.

6 ACKNOWLEDGEMENTS

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