

Inquest into the death of Rebekka Tine Lousal Meyer

Rebekka Tine Lousdal Meyer died on 11 September 2014 from multiple injuries caused by collision between a truck and the bicycle she was riding. The truck, which was towing a dog trailer, hit her from behind as she was executing a right hand turn from Stanley Street into Annerley Road in South Brisbane.

Coroner Christine Clements delivered her findings of inquest on 9 December 2015.

The Queensland Government responds to recommendations directed to government agencies at inquests by informing the community if a recommendation will be implemented or the reason why a recommendation is not supported.

The departments named in this response will provide implementation updates until the recommendation is delivered. Further information relating the implementation of recommendations can be obtained from the responsible minister named in the response.

Recommendation 1

Electronic recording of the process whereby witness statements are made, should be routinely undertaken and saved. Privileges as attached to the substantive conversation should also attach to the recording.

Response and action: the recommendation was not implemented.

Responsible agency: Queensland Police Service.

On 12 July 2016 the Minister for Police, Fire and Emergency Services and Minister for Corrective Services responded:

The Queensland Police Service studied the findings of inquest and reviewed relevant sections of the *Digital electronic recording of interviews and evidence manual* and *Operational procedures manual*. Contact has been made with the New South Wales (NSW) Police and NSW Office of the Coroner, who have provided a response with reference to relevant legislation. Specifically they stated:

“At paragraph 140 the coroner makes comment that NSW Police record witness statements. This is not generally the case. There is still a requirement at s74 *Criminal Procedure Act 1986 (NSW)* that evidence be in written form in a statement. On occasion a witness will be interviewed electronically and then the recording will be transcribed. The transcript and the recording become the statement. The Coroner may be referring to the suite of legislative changes known as DVEC (Domestic Violence Evidence in Chief) which are contained within Part 4B *Criminal Procedure Act 1986 (NSW)* which only relate to the electronic recording of victim testimony for the investigation of domestic violence offences. The recording of the complainant can only be used in certain circumstances and the rules of evidence still apply.”

Electronic recording of the process whereby witness statements are made is not supported for implementation. All conversations with members of the public would have to be recorded and retained for all incidents as they could be later required as witnesses, which is technically unfeasible for storage, from an operational perspective and is potentially oppressive.

Current operation of the *Justices Act 1886* and *Oaths Act 1867* do not provide for the use of recordings that would arise in the circumstances of the recommendation.

Recommendation 5a

Balancing the huge potential for harm to any other small vehicle, including motorcycles and cyclists, against the inconvenience to a truck driver required to maintain visual observation of all traffic ahead of the truck driver, focuses attention on physical safety versus optimal traffic flow. Physical safety must prevail.

It is recommended the Queensland Government should amend the Transport Operations (Road User Management - Road Rules) Regulation 2009, to require motor vehicles (including heavy vehicles) who stop as the first vehicle behind a bike box, to stop in a position which enables the driver to see the entire bike box.

Response and action: the recommendation was not implemented.

Responsible agency: Department of Transport and Main Roads

The Department of Transport and Main Roads is considering the coroner's recommendation and will provide more information in mid-2016.

On 14 May 2017 the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply responded:

At this point in time the Department of Transport and Main Roads has decided against amending the Queensland Road Rules (QRR) to provide that motor vehicles who stop as the first vehicle behind a bike box (bicycle storage area) must stop in a position to enable full visibility of the bicycle storage area.

Introducing this new rule would impact on the operation of a significant number of intersections in Queensland that are controlled by traffic lights which use vehicle detectors. These detectors are activated when vehicles travel over sensors embedded within the road, triggering a change in traffic lights based on demand. To enact this change, intersections controlled by this type of traffic light would need to be modified at an impost to the owner of the road where they are located. Importantly, as the owner of many of these intersections, local councils would be required to fund the modifications at a cost that many may not be able to afford.

Amending the QRR to require this increased stopping distance behind bicycle storage areas for vehicles without modifying the existing infrastructure may inadvertently create other road safety risks. That is, a vehicle (the lead vehicle) would be required to stop further back from an intersection, which may impact their line of sight and their ability to scan intersections for other road safety risks.

Stopping a significant distance from the intersection may impact on a driver's line of sight and their ability to scan intersections for hazards and other vehicle movements. For example, the additional distance will mean that heavy vehicles will require a longer period of time to clear the intersection. Hazards that are assessed at the commencement of their take-off have the potential to change by the time the heavy vehicle actually reaches the intersection. This may result in a traffic hazard if the heavy vehicle has gathered speed and then needs to stop. Signal timings may also have to be adjusted to accommodate the increase in time it takes to clear the intersection.

Additionally, stopping a significant distance from the intersection will require the driver to anticipate the presence of a bicycle box. The presence of a bicycle box may not be apparent on a curved road or during conditions with reduced visibility. Such conditions will make it difficult for drivers to comply with the proposed rule.

Enforcement of this rule would also be difficult. For example, it would be difficult for a police officer in their vehicle or standing on the pavement to determine, or prove beyond reasonable doubt, that the driver did not have full visibility of the bicycle storage area from their position in the truck.

Recommendation 5b

Coupled with this recommendation it is essential to release a targeted and frequent education program aimed to alert motorists, and other road users of the risk of placing themselves immediately in front of a heavy vehicle with impeded forward vision.

Response and action: the recommendation is implemented.

Responsible agency: Department of Transport and Main Roads.

The Department of Transport and Main Roads is considering the coroner's recommendation and will provide more information in mid-2016.

On 14 May 2017 the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply responded:

The Department of Transport and Main Roads will continue to promote and educate road users on the importance of sharing the road with all road users, including heavy vehicles. This will be achieved through social media, print media and the Queensland Government website.

Additionally, sharing the road with heavy vehicles could also be included as part of the next Road Rules Communication Action Plan, which uses a range of mediums to communicate important road rules information to the public.

On 26 February 2018 the Minister for Transport and Main Roads responded:

There has been no further advancement at the national Strategic Vehicle Safety and Environment Group or SVSEG (an inter-jurisdictional group which includes peak heavy vehicle industry representatives and deals with vehicles standards and safety policy and amendments to Australian Design Rules for motor vehicles) on blind spot monitoring for heavy vehicles.

The Department of Transport and Main Roads is establishing a working group to consider initiatives dealing with safety of vulnerable road users when interacting with heavy vehicles. The initiatives to be considered include:

- equipment necessary to deal with blind spot issues
- public awareness / engagement activities aimed at influencing road users to choose 'more safe' behaviours.

The department will continue to seek opportunities to address the safety issues surrounding heavy vehicles without blind spot technologies and regularly posts messages on the Join the Drive to Save Lives social media accounts to educate all road users about sharing the road safely, including cyclists and heavy vehicles. Since October 2015 there have been 48 posts on these topics.

The [most popular post](#), from October 2016, achieved 17,094 video views and 142 shares. This message will be repeated monthly on the Join the drive Facebook page, which has more than 130,000 followers.

In addition, there is [safe cycling quiz and myth-busting content](#) on the Join the drive website.

The government's Join the drive website hosts [Share the road](#) content which includes the following videos:

- One good deed – content for heavy vehicles, motorists and cyclists about blind spots, wide turning circles and allowing sufficient space
- Share the road – content for heavy vehicles and cyclists
- Thanks truckies – content for sharing the road with heavy vehicles
- Thanks cyclists – content for sharing the road message for motorists and cyclists.

The Department of Transport and Main Roads will continue to promote and educate road users on the importance of sharing the road with all road users through social media, print media and the Queensland Government website.

Recommendation 5c

Consideration could also be given to making such action by a driver/rider, an offence.

Response and action: the recommendation was not implemented.

Responsible agency: Department of Transport and Main Roads

The Department of Transport and Main Roads is considering the coroner's recommendation and will provide more information in mid-2016.

On 14 May 2017 the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply responded:

As the Department of Transport and Main Roads does not support recommendation 5a to amend the Queensland road rules to require drivers who are first to stop behind a bicycle storage area to stop in a position which enables the driver to see the entire bicycle storage area, the department does not support making such an action an offence.

Recommendation 7a

Conventional shaped heavy vehicles should be prohibited unless they are fitted with appropriate technologies to warn the driver of any obstacles or other road users within the forward blind spot of the truck.

Recommendation 7b

Publicly disseminated information for car drivers, motorcyclists and cyclists should aim to educate them about the extent of the blind spot in front of conventional shaped heavy vehicles. Eye level signage at the back of vehicles (similar to Keep Clear of Turning Vehicle) could assist in alerting other road users to the danger of positioning themselves directly in front of conventional shaped heavy vehicles.

Response and action:

- Recommendation 7a was not implemented.
- Recommendation 7b is implemented.

Responsible agency: Department of Transport and Main Roads

The Department of Transport and Main Roads is considering the coroner's recommendation and will provide more information in mid-2016.

On 14 May 2017 the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply responded:

The Department of Transport and Main Roads' representative on the national Strategic Vehicle Safety and Environment Group (an inter-jurisdictional group which includes peak heavy vehicle industry representatives and deals with vehicles standards and safety policy and amendments to Australian Design Rules for motor vehicles) submitted a paper on a proposed approach to managing blind spots on bonneted trucks at a meeting on 25 May 2016. The representative will seek an update on progress with this issue. The Truck Industry Council also has a current voluntary code concerning the installation of blind spot monitoring technologies.

In relation to an education campaign, the department is considering educating road users on the specific risks of placing themselves in front of a heavy vehicle at an intersection, as discussed in the response to recommendation 5b. In relation to signage on the back of vehicles, preliminary views are that such signage would not lead to improved outcomes as the signage would be some distance away from the location of the hazard. The Department of Transport and Main Roads will continue to seek opportunities to address the safety issues surrounding heavy vehicles without blind spot technologies.

On 26 February 2018 the Minister for Transport and Main Roads responded:

The Department of Transport and Main Roads is establishing a working group to consider a range of strategies aimed at ensuring the safety of vulnerable road users when interacting with heavy vehicles. This group will consider what equipment may be necessary to deal with blind spot issues, such as mirrors or door cut-outs on heavy vehicles, and what public awareness and engagement activities may be used to influence heavy vehicle drivers, and other road users, to choose safer behaviours.

In seeking out opportunities to educate the public on safety issues surrounding heavy vehicles without blind spot technologies, the department posts monthly messages on the Join the Drive social media accounts about blind spots and other issues.

The department regularly posts messages on the Join the Drive to Save Lives (JTD) social media accounts to educate all road users about sharing the road safely, including cyclists and heavy vehicles. Since October 2015 there have been 48 posts on these topics.

The [most popular post](#), from October 2016, achieved 17,094 video views and 142 shares. This message will be repeated monthly on the Join the drive Facebook page, which has more than 130,000 followers.

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- Thanks cyclists – content for sharing the road message for motorists and cyclists.

The Department of Transport and Main Roads will continue to promote and educate road users on the importance of sharing the road with all road users through social media, print media and the Queensland Government website.

On 26 February 2019 the Minister for Transport and Main Roads responded:

The Department of Transport and Main Roads sought support for a mandatory requirement of blind spot technology for new vehicles through the Strategic Vehicle Safety and Environment Group, an inter-jurisdictional group which includes peak heavy vehicle industry representatives and deals with vehicles standards and safety policy and amendments to Australian design rules (ADR) for motor vehicles. The group did not support mandating such a requirement through ADRs in isolation and preferred to remain reliant on ADR requirements which are harmonised with international standards set by the United Nations Economic Commission for Europe (Australia being a signatory to its agreement).

The introduction of mandatory requirements for blind spot technology for in-service heavy vehicles in Queensland is challenging because of the costs of retrofitting such technology, difficulties related to design of older vehicles, the high frequency of heavy vehicles crossing state boundaries (where different requirements may apply) and the fact there are other safety features that might be considered more cost effective and produce better outcomes than focusing solely on this technology.

For this reason, the department prefers to take a more holistic view and supports other options that seek to increase the uptake of safety features on heavy vehicles more broadly, including blind spot technology. However the department does not believe prohibiting the use of heavy vehicles without this particular safety feature is the best option.

The Department of Transport and Main Roads established a working group to consider initiatives dealing with the safety of vulnerable road users when interacting with heavy vehicles. The initiatives being considered include but are not limited to equipment necessary to deal with blind spot issues. This working group is currently consulting with a wide range of stakeholders on how best to address these issues across the community and is also considering whether government contracts are an appropriate tool to facilitate an increase in the fitting/use of a broader range of safety features for heavy vehicles including blind spot technology, vehicle signage and audible alarms. Findings from the working group consultation and research activities will be evaluated and integrated into future business plans to influence change where appropriate.

The Department of Transport and Main Roads is of the view that signage on the back of heavy vehicles would not effectively mitigate the risk to vulnerable road users, as the signage would be at a distance or not visible to road users positioned in the vehicle's blind spots.

The department has otherwise implemented recommendation 7b regarding public education and continues to promote awareness about blind spots and other issues facing cyclists and heavy vehicle

drivers by regularly posting messages and videos on these topics on the StreetSmarts (formerly Join the Drive) social media accounts. The department's interactive StreetSmarts website hosts accessible content including videos and quizzes, and the Queensland Government [webpage](#) 'Sharing the road with heavy vehicles' provides clear advice and information on this topic for all road users. The Department of Transport and Main Roads will continue to educate road users on the importance of sharing the road.