



Speaker-General's Decisions Body

Re Near Miss Between a Bicycle and a Pedestrian [2024] SpkGenDec 8

Decision of: **The Speaker-General**

Date of decision: 7 September 2024

Catchwords: Negligence—Near miss between bicycle and pedestrian—
Controlled intersection with traffic lights—whether traffic light was
red for traffic—decision on who is in the wrong—decision on fine.

Number of paragraphs: 6

DECISION

DECISION MADE BY: THE SPEAKER-GENERAL

DATE OF DECISION: 7 SEPTEMBER 2024

THE DECISIONS BODY DECIDES THAT:

1. The Bicycle Rider is in the wrong.
2. The Bicycle Rider should be liable to a fine of \$440 for riding a bicycle negligently, against r 245-1(1)(a) of the *Road Rules 2014* (NSW).

REASONS FOR DECISION

THE SPEAKER-GENERAL

- 1 I was walking along a street and approaching a pelican crossing.
- 2 To my left, I saw a pedestrian what had the attire of a jogger, who I will refer to as the **jogger**. He was jogging towards the pelican crossing.
- 3 I observed that the pelican crossing was showing a red light to vehicles. The light for pedestrians was showing a countdown. The countdown shows pedestrians how much time they have to cross the road.
- 4 Most of the pedestrians who had waited already crossed the road. When the jogger started crossing, the countdown was showing 11. A food delivery bicycle (**rider**) was approaching the pelican crossing and was not slowing down. The jogger saw the bicycle rider and put his arms out and braced for impact but a collision was narrowly avoided. There were no exchange of words that I could hear.
- 5 Based on what I had seen, the rider is in the wrong.
- 6 I have no idea what the prior record of the rider is. Therefore, it is my opinion that the rider should be fined \$440 for riding a bicycle negligently, contrary to r 245-1(1)(a) of the *Road Rules 2014* (NSW)).

I certify that the preceding six (6) numbered paragraphs are a true copy of the reasons for decision of the Honourable the Speaker-General.

Signature:

Date: 7 September 2024

REFERENCE

Road Rules 2014 (NSW)