

Step-by-Step Guide to Reporting & Review of Video Evidence of Minimum Passing Distance Incidents

In the instance that a person riding a bicycle in NSW experiences a vehicle overtaking them within the Minimum Passing Distance (MPD) included in NSW Road Rule 144-1, the bike rider can use the following steps in order to report the incident to the NSW Police for consideration to issue an infringement notice.

Bicycle NSW has prepared this procedure based on our experience in supporting members to prepare evidence for submissions throughout 2016, which have led to successful MPD infringement notices being issued.

To make a request for review of a possible MPD infringement, the bike rider will need to provide photo and/or video evidence.

1. Initial Actions - As soon as possible after the MPD incident, the rider should:

Collect Personal Evidence

Make detailed written notes of the incident, include specific details:

- Time and date
- Location and direction of travel
- Vehicle make and registration
- Speed limit at location
- Witnesses names and contact details
- Any other relevant information.

These written notes should be dated and signed. Make a copy of these notes for yourself.

Witnesses are beneficial to your submission, but not a requirement. Witnesses help to overcome the Beyond Reasonable Doubt considerations.

Prepare Photographic and/ or Video Evidence

The video or photos should be downloaded, examined and prepared with details that prove beyond reasonable doubt that the Minimum Passing Distance was not observed by the driver of the vehicle.

- Photo and/or video evidence require date & time stamps
- Include notes indicating evidence, with relevant distance information eg width of rider's handle bars when compared to the distance to the vehicle.
- The digital evidence should be loaded onto a memory stick to be handed to Police.

All this evidence must point to a **clear and unambiguous** breach of the MPD Rule. The distance analysis of an image or video still is critical to the process. The rider must be able to clearly show relative distances based on identifiable road features. This will usually involve a visit to the site with a tape measure.

2. Report the Incident to Local Police Station

As soon as possible after the incident, once the initial actions are completed, the rider should visit either the Local Area Command (Police Station) for the location of the incident, or the Local Police Station for their residential suburb, and:

- Ask to make a Statement and be willing to sign it
- State your request that you wish the driver to be charged with a MPD offence
- Use the notes made in the Initial Action to prompt your memory and ensure a complete statement is given
- Present the evidence prepared in the Initial Actions - it may be advantageous to take a laptop to run through the video/photos on the memory stick as Police may not have this facility
- Hand over the memory stick, and any printed photos
- Provide names and contact details of witnesses.

Ensure that you obtain the following information from Police before leaving the station:

- Incident Number
- Details of Officer taking the report: Name, telephone number and email address
- Date by which a reply will be sent to the rider over actions taken.
- Ask for a copy of the Statement

Making a "Statement" is important, as it formalises the Police process. If a rider just walks in and has a discussion, then nothing may eventuate. Making a Statement means it has to be followed up.

3. Follow Up

After the reply date as identified when making a Statement, contact the Officer and request an update on progress.

If the rider is unhappy with the progress or the results, ask to make an appointment with the Duty Office or Local Area Commander.

4. Bicycle NSW Review

If the rider is a Bicycle NSW member and after following through the steps of the process find the outcome is still unsatisfactory, and the rider is certain a clear MPD offence has been committed, then they should contact Bicycle NSW to review the situation further.

For further assistance, visit bicyclensw.org.au/mpd or email info@bicyclensw.org.au



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