

14 November 2013

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Coroner Gordon Matenga
Cc Judge McLean
Coronial Services Unit
Level 5
Wellington District Court
43-49 Balance Street
Wellington 6011

Dear Mr Matenga

Cycling Safety in New Zealand – A Coronial Review

I have received a copy of your review of the safety of cycling in New Zealand, in the context of:

Inquest into the death of Benjamin Lawless CSU-2011-WGN - 037

Inquest into the death of Anthony Chapman CSU-2011-AUK – 0444

Inquest into the death of Jane Bishop CSU-2010-AUK - 1482

The matters you raise fall within my responsibility as Director of Road Safety within the New Zealand Transport Agency. Improving road safety is a key long term goal for the Transport Agency and we have taken a lead role in working with partners to implement the Government's *Safer Journeys* strategy since its inception in 2010. That strategy envisions a safe road system increasingly free of death and serious injury and the Transport Agency shares that vision. The transformational safe system approach underpins everything we do in road safety and I would be happy to talk you through this approach at any time.

I wish to respond to three points in the Coronial Review:

- *The recommendation*
- *The Transport Agency's response to previous recommendations*
- *The Transport Agency's failure to make a submission.*

Recommendation (paragraph 20)

“The NZTA convene an expert panel drawn from stakeholders with an interest and expertise in cycling and road safety, to consider the evidence gathered by this review and other evidence it considers necessary, with a view to compiling a list of recommendations to central and local government which will improve cycling safety in New Zealand and prevent further cycling crashes and fatalities”

The Transport Agency undertakes to convene an expert panel to consider the evidence gathered by the review, and other evidence relevant to the safety of cycling in New Zealand, with the aim of improving road safety for cyclists in New Zealand. We will do this within the strategic framework of

Safer Journeys and as part of our ongoing efforts to strengthen the performance of every part of the road system.

The terms of reference for the review and the composition of the panel will be determined in consultation with the National Road Safety Management Group (NRSMG), a cross sector group of agencies that share responsibility for, and interest in, improving road safety. Core members comprise the Ministry of Transport, the Transport Agency, NZ Police, ACC, and Local Government New Zealand.

Regarding Agency responses to previous recommendations (paragraph 11)

“I have not seen any evidence that any of the recommendations made have been considered by the New Zealand Transport Agency or the Ministry of Education.”

The recommendations referred to [10(ii), (iii), (iv), and (vi)] are in regard to education in schools, driver licensing education, compulsory high visibility vests, and cycling helmet colours or standards. These have all been considered, and responded to, by the Transport Agency. It is unfortunate that you were not made aware of this. In particular:

- A recommendation regarding compulsory high visibility vests and coloured motorcycle helmets was considered and responded to in a letter to Coroner David Crerar dated September 2010
- A recommendation regarding high visibility vests was considered and responded to on behalf of the Agency in the Associate Minister of Transport’s letter to Coroner Ian Smith, dated April 2013
- In the same letter recommendations to establish education programmes in schools and ensure learner drivers receive education about cycling, were considered and details of existing programmes were provided to demonstrate that this is already in place.

It is worth noting that the Transport Agency promotes education regarding safe cycling both directly and through working with other groups and agencies in the Share the Road Campaigns, The Road Code for Cyclists, Bike Wise, Cyclist skills Training Guidelines, as well as a variety of resources /tips for motorists, cyclists, and truck drivers.

We also invest in infrastructure improvements throughout the country that are designed to enhance cyclist safety. Examples include cycling priority at busy urban intersections, separated cycle paths and regular shoulder sweeping to keep shoulders clear of hazards.

Regarding Transport Agency Submissions on this review (paragraph 20)

“I note that the Transport Agency chose not to make submissions to this review and so central government had no input whatsoever, Having consulted the NZTA website and read the Safer Journeys strategy I was surprised I did not hear formally from NZTA.”

The Transport Agency was not invited to contribute to the hearings or to make a submission. We have a great interest in improving cycling safety, and often provides expert advice to Coroners when called on to do so during a hearing. This is the first time that a high level coronial review of cycling safety has been undertaken, and given our prior experience and specialised role as an “other

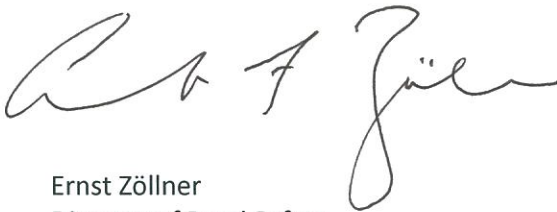
investigating authority” under section 9 of the Coroners Act (2006), we expected the Agency would have been contacted to provide subject matter expertise during the hearing - or that you would have offered us other opportunities to make a submission.

I am also aware that technical advice regarding the legal status of the Road Code was sought by Coronial Services for this review, and that this was supplied during September this year.

The Transport Agency specifically offered in September this year to contribute to the development of *Cycling Safety in New Zealand* by reviewing a draft copy of the findings, in line with the Minister of Justice’s proposed future requirement (June 2013) that “coroners involve... government departments that have an interest in the death so they can contribute to the evidence and help develop robust recommendations that can realistically be put into place”. Unfortunately this offer was not taken up.

I am meeting with the Chief Coroner later this month and I look forward to discussing practical steps that can be taken to ensure the Agency is able to contribute to future coronial reviews more effectively than has occurred in this recent case.

Yours sincerely,

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

Ernst Zöllner
Director of Road Safety