

Cycling and the Law in South Australia

As proud supporters of Bike SA we regularly contribute to their quarterly Cycle magazine. In the summer edition, Andersons Solicitor Kira Millikan breaks down some frequently asked questions about cycling laws in South Australia. You can read the full article below.

Can I get caught speeding on my bike?

Yes – Cyclists can be charged with the same traffic offences as drivers, including speeding! It is important to remember this when cycling through school zones, for example. If a school zone speed limit is in operation, cyclists need to reduce their speed in the same way other vehicles do. This also applies to temporary reduced speed limits. For example, when passing stationary emergency services vehicles with flashing lights, car drivers and cyclists must reduce their speed to 25km/h.

Can I get caught drink cycling?

Yes – Cycling while intoxicated is a criminal offence. So, next time you decide to leave the car at home to have a few drinks, make sure you leave the bike behind as well!

Can my bike get slapped with a defect notice?

Yes – Under the Road Traffic Act 1961 and the Australian Road Rules, the definition of 'vehicle' includes a bicycle. This means that a bicycle can technically be issued with a defect notice in certain situations. Regardless of the legal ramifications, there are of course significant safety concerns with riding a bike that is not in good working order, and we would recommend regularly checking your bike, for example its tyres and brakes.

Some jurisdictions allow bikes to treat stop signs as give way signs. How does South Australian law see that?

South Australian law requires cyclists to stop at stop signs.

I don't feel comfortable cycling on the road. Can I ride on the footpath? Can I use a pedestrian crossing to cross a road safely?

Yes – Cyclists may ride on the footpath or the road, except where signs specifically forbid bicycle traffic. When riding on a footpath, or other pedestrian path, cyclists must keep left and give way to pedestrians. Cyclists may also ride across pedestrian crossings, including school crossings. Again, cyclists must keep to the left of the crossing, and must give way to pedestrians. Common sense is key when sharing the road, or footpath, with other road users or pedestrians. It is an offence for a cyclist to cause a traffic hazard by moving into the path of a driver or pedestrian, so it is important to take care when cycling, regardless of whether you are on the road, the footpath, or crossing the road.

Are there minimum footwear requirements for legal cycling?

No – There are no minimum footwear requirements for cycling or driving a motor vehicle on South Australian roadways. However, while the law doesn't mandate the wearing of sturdy, closed-toe footwear, or high-visibility clothing to attract the attention of other road users, we would always recommend putting safety first when choosing a cycling outfit!

Bells: Many consider their voice to be a sufficient warning device. Is that the case or are bells mandatory?

Your voice is not considered to be a sufficient warning device! By law, every bicycle must have a functioning warning device such as a bell or horn within easy reach of its user. Of course, in an emergency, or to avoid an accident, using your voice as well as your bell or warning device is always a good idea.

What other laws do I need to be aware of while cycling?

It is widely known that cycling without a helmet is a criminal offence in South Australia. But there are also some lesser-known laws that apply to bicycle riders specifically.

For example, under the Australian Road Rules:

- "Tailgating" on a bicycle is a criminal offence. Specifically, a cyclist may not ride within two metres of a moving vehicle for more than 200m;
- In addition to being unsafe, it is illegal to ride a bicycle without at least one effective brake; and
- In order to ride a bicycle at night, or in hazardous weather conditions, the bicycle must be fitted with a white light on the front and a red light on the back, which must be visible from at least 200m away. The bicycle must also be fitted with a red reflector light on the back, visible from 50m away.

What can I do if I've been involved in a cycling accident?

Despite all good intentions, accidents happen. If you have been injured in a cycling accident, for example a collision with a car, or a fall from your bike while avoiding a collision, you may be entitled to compensation for your injuries under the CTP (Compulsory Third Party) scheme.

Importantly, you may be able to make a claim even if you don't have the details of the driver involved. If you have been injured in a bicycle accident, please contact our expert Personal Injury team for a free first consultation.

The information in this article is general in nature and was accurate at the time of publication. Laws and circumstances can change. For advice specific to your situation, please seek professional legal advice.