

29 June 2020

Committee Secretariat
Parliament of Victoria, Legislative Council
Economy and Infrastructure Committee
Parliament House

Inquiry into the increase in Victoria's Road Toll

To: Committee Secretariat

Proposal to change the law pertaining to unsecured loads for light vehicles in Victoria

Background

Case 1: On 27th January 2014, I was taken by ambulance to the Melbourne Hospital's emergency ward with multiple injuries sustained from crashing my motorcycle on the road at the Riddells Creek Bridge. After turning left into Riddell Road, I noticed a 15L white plastic bucket on the side of the road which had come off the back of a vehicle, and liquid all over the road. The liquid turned out to be a slippery oily substance which my bike skidded on. I came off the bike onto the road significantly injuring myself. In attendance were the crews of the ambulance, CFA, police and the accident was that serious that a decision on whether the air ambulance was needed had to be made. The cost of ambulance transport alone was \$3,145.92. At the time my motorcycle was deemed a write-off. To this present day I still suffer from injuries sustained from this crash.

My crash would have been avoided if unsecured loads of all light vehicles in Victoria by law had to be covered with either a tarp or netting, as per current Queensland police law, where offenders are fined and lose demerit points if they do not comply (that is if items are not tied down or boxed safely).

Case 2: I was riding home at night on the Calder freeway doing the speed limit of 110km/hour and I noticed a large flat square object fly off a ute approximately 100 metres up the road in front of me. It bounced across the freeway in front of traffic into the trees off to the left side of the road. Not a minute later I saw two similar large square objects lying on the road which because I did not have time to dodge them (to try to do so would have been dangerous) I had to ride over them. They were in fact additional big pieces of plywood that had fallen off the back of the ute that had an unsecured load. I was lucky that I was not closer to the ute when they came off or they could have hit me and caused me serious harm not to mention cause me to swerve into traffic and have an accident. It was dangerous enough riding over part of the load.

The second case again highlights the need for loads of all light vehicles in Victoria to be covered. I am certain we all have experienced similar situations where we could fill pages with examples! In fact, debris on our roads was deemed by motorcyclists in a recent article written by Mark Hinchliffe in the renowned Motorbike Writer publication as the number one road hazard. The article went on to say '**Unsecured debris falling off trucks and utes is a common occurrence.**' (Motorbike Writer is the number 1 Motorcycle Website site in Australia and in the top 20 in the world).

Note: A fellow motorcycle rider recently experienced hundreds of large nails that came out of boxes scattered in his path all over the road.

VicRoads stand on the issue:

According to the VicRoads website 'loose loads can be dangerous, and sometimes fatal, to you and other drivers. It is an offence if your load is not properly restrained and is at risk of falling from your vehicle.'

VicRoads goes on to report that every year Victorians are at danger from tonnes of debris falling onto roads from unsecured loads. The debris causes road closures and disruptions, and can lead to serious crashes. Did you know?

- 80 tonnes of debris is removed from Victorian roads each month.
- 700 call-outs to collect debris are made each year, with half of these putting staff in dangerous situations.
- More than 50 cars were hit by items falling off a trailer or truck in 2008 — some of these caused serious injury.
- A properly-restrained load won't dislodge, even after the most severe braking, swerving and cornering.
- A heavy load is just as likely to fall as a light load; the same 'g' forces are acting on both.
- Many crashes resulting from a loose load occur at low speeds within a short distance of the trip commencing.'

VicRoads state on their website that 'nets and tarpaulins **MAY be used** to restrain lighter items.'

I feel that the current Victorian law written as 'nets and tarpaulins **may be used**' seems to me and many other road users to be not strong enough. The law needs strengthening to '**must be used**' in order to protect motorcycle riders and their pillions. An example of a dangerously unsecured load is this photo of a ute seen in Victoria. (see photo).



TAC Victoria Road Safety Statistics

Unfortunately, on searching the TAC website, statistics relating to deaths and injuries caused by debris on Victorian roads appears to be not available.

There is obviously a need to collect more data on road safety. In fact, **Recommendation No.1 of the Parliament of Victoria Road Safety Committee Inquiry into Motorcycle Safety December 2012 was:**

'That an independent office of road safety data be created, which will be responsible for collecting, collating, interpreting and publishing all data relevant to road safety.'

The costs of doing nothing

Some of the costs associated with not addressing this issue are many:

1. Cost to VicRoads in removal of debris from Victorian roads and call out costs (see section "VicRoads Stand on the issue" mentioned above)
2. Businesses incurring costs from loss of materials from unsecured loads which become dangerous road debris
3. Costs associated with the attendance of emergency services at accidents caused by road debris - police, ambulance and fire brigade (including CFA)
4. TAC and litigation costs

5. Costs to the health system of 'fixing' injuries cause by road debris - including hospital, doctor, specialist and allied health costs
6. Lost work time and production
7. Long traffic delays resulting in an increased traffic harmful air pollution.
8. And no one can put a price on a road fatality.

Wire rope barriers pose a new road safety hazard for motorcyclists

Wire rope barriers located on both the **road side and centre of road** pose a new set of road safety hazards like never before for motorcycle riders and pillion. I see this issue as like walking through a mine field! The condition of rural roads is a concern for Victorians. In addition, for motorcyclists riding on them is the danger of debris falling out of vehicles at high speeds, with nowhere to maneuver due to a wire barrier being present on both the road side and centre side of the road . This is a recipe for disaster. The wire rope barrier situation just discussed strengthens the argument for a change in the law around unsecured loads.

Conclusion

The rationale behind this paper is to reinforce to the government, relevant road authorities, law enforcement agencies and other relevant stake holders, how vitally important this issue is to the safety of motorcycle riders and their pillions.

Victoria needs to have stronger laws in place to stop debris falling onto our roads which has the potential to cause death, serious injury and untold wasted time, money and resources. The current law around unsecured loads does not send a strong enough message.

A well proven precedent in another Australian state has been set. I have observed over several years in Queensland that government's implementation of a law that enforces that the loads of all utes, trailers and light trucks **must** be covered with an approved cargo net, with appropriate fines for non-compliance.

Let's not reinvent the wheel. The evidence is there that there is a need to address this issue, and that the strategy used to address it works.

If the Victorian government is looking a cutting cost the road toll well this is a good place to start.

This is a photo I recently took of a light vehicle in Queensland that has responsibly secured its load because it is law to do so there.



If this law was in place in Victoria, I may not have had the accident outlined in Case 1, let alone had to call my wife to say I was in the back of an ambulance being rushed to an emergency department with a list of serious injuries which I was told I was lucky were not even worse.

Proposal

Change unsecured load laws in Victoria

What I propose is that all light vehicles such as cars, utes, vans, trailers (including boats on trailers packed with holiday gear) and trucks (gross vehicle mass up to 4.5 tonnes) **MUST be covered with an approved tarp or cargo net** so that nothing can escape (even if carrying only one gumboot). This is a no brainer based on the costs involved with doing nothing, as previously outlined.

Advertising campaign that makes all road users aware of the consequences of an unsecured load. The campaign could include:

“Unsecure loads cause death”

1. TAC to run TV, radio, roadside billboard advertising, and a social media campaign” e.g. the 1.5 metre road safety rule for pushbike riders.
2. VicRoads to undertake a similar campaign through their media outlets e.g. Spokes.
3. Vic Police blitz on unsecured loads as they have successfully done for enforcement of laws around seat belts, drinking and driving and use of mobile phones whilst driving.
4. Incorporate “unsecure load awareness” in the two-day motorcycle learner course.

Independent office of road safety data be created. Ref Parliamentary Inquiry into Motorcycle Safety 2012

The office would be responsible for collecting, collating, interpreting and publishing data relevant to road safety, including crashes due to debris on the road.

VicRoads and councils need to change the way they target their intervention towards eliminating road hazards.

There desperately needs to be higher priority given to motorcyclists to eliminate hazards, such as debris on the road. Motorcyclists annually pay a motorcycle level approx. \$70 on top of their registration that no other road user pays and most road users benefit from it. This is an unfair tax and motorcyclists want more for their dollar.

NSW- All loads must be covered. Same as QLD

Changing Victoria’s legislation regarding unsecured loads should be simple. The current system is just not working. National uniformity using the successful legislation now active in **QLD and NSW** needs to be mandated. In accordance with Government Transport Roads and Maritime Services “Loads must be covered to secure and contain all materials within the vehicle and trailer. Fined apply for uncovered loads Ref; NSW road safety

I firmly believe along with many other motorcycle riders, that implementing the above strategy, would be a great way to start heading ‘Towards Zero’ road toll for not only motorcycle riders and their pillions but all road users who would be similarly affected by this issue.

Please accept my submission on behalf of motorcyclists and don’t hesitate to contact me if the need arises (there are well over 400,000 motorcycle license holders in Victoria).

Yours sincerely

Rodney Brown

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