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LEGISLATIVE COUNCIL ECONOMY AND INFRASTRUCTURE COMMITTEE

Inquiry into the Increase in Victoria's Road Toll

Melbourne—Monday, 10 August 2020

(via videoconference)

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WITNESS

Mr Damien Codognotto, OAM.

The CHAIR: Welcome to the Economy and Infrastructure Committee's public hearing for the Inquiry into the Increase in Victoria's Road Toll. I welcome any members of the public watching via our live broadcast. My name is Enver Erdogan and I am the Chair of the committee. My Deputy Chair is Mr Bernie Finn. I also have with us online Mrs Bev McArthur, Mr Rod Barton, Mr Tim Quilty and Mr Mark Gepp, the fellow committee members.

In relation to all evidence taken at this hearing, it is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Council standing orders. Therefore the information you provide during this hearing is protected by law. However, any comment repeated outside the hearing may not be protected. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament. All evidence is being recorded. You will be provided with a proof version of the transcript following the hearing. Transcripts will ultimately be made public and placed on the committee's website.

We welcome your opening comments, but I ask that they be kept to a maximum of 5 to 10 minutes to ensure we have plenty of time for discussion. Can I please remind members and witnesses to mute their microphones when not speaking, to minimise any interference. If you have any technical issues, please disconnect and contact the committee staff using the details provided. Could you please start by giving your name for the benefit of our Hansard team and then begin your presentation. Over to you, Damien.

Mr CODOGNOTTO: Thank you. My name is Damien Codognotto, and I would like to thank the committee for this opportunity to speak. I have been riding motorcycles on Victorian roads since 1967. I was a founding member of the original Motorcycle Riders Association in Melbourne in 1978, and I have been active ever since. I have been on local, state and federal road safety committees, and I have seen firsthand what happens when a car hits a wire rope barrier. I have also seen firsthand the disgraceful neglect of Victoria's country roads.

When road casualties increase, road authorities tend to blame victims. It is true bad road user behaviour contributes to crashes, but bad behaviour is unlikely to improve while the public sees silly campaigns, dated policies and neglected roads. Road authorities must re-earn Victorian road users' respect to be effective again. The public sees *Towards Zero* as unrealistic. It began as *Vision Zero* in Sweden decades ago, and it was wrong then and it is wrong now. I refer to Robert Morgan's submission 101.

When road authorities want to introduce a device or law or tax that will not be popular, they say, 'If it saves just one life, it's worth doing.' Well, that is not always true. Road safety must be a balance between safety regulation and quality of life in a society. A dramatic reduction in fatal and serious injury crashes is not possible without an extreme reduction in personal mobility and increases in associated cost to do with mental health, physical health and lost productivity. Our road safety experts tend to have a very narrow focus. The big road safety picture combines bad behaviour with neglected roads, roadkill, extreme weather conditions, distracted drivers, low-skilled drivers on international licences, too few visible police and other contributing factors. Road casualties increase if road authorities focus on just one contributing factor. VicRoads cannot see that; they base narrow-focus opinions on inadequate data, and they have an anti-motorcycle bias. I refer to submission 64.

Effective road safety is based on reliable crash and traffic data. It is irresponsible to spend a lot of money on elaborate research, state-of-the-art computer modelling and expensive media campaigns that are based on bad data. Victoria needs reliable and available crash data, and it is not getting it. Privacy is an excuse, not an issue, in road safety. Road safety research is a closed shop, a small pond, with the same names resurfacing in various places. Academics and bureaucrats can be very self-righteous when their output is questioned. Researchers with initiative and imagination, engineers and stakeholders with on-road expertise are too often shunned by academia. Motorcycle committees involving VicRoads are stacked and cloaked in secrecy. Big money is spent to carefully pick members who are then pressured into confidentiality agreements of one sort or another. People who do not fit the terms of reference are excluded.

This inquiry aims to reduce the road toll. Victorians elect representatives to govern us, and you must start repairing the foundations of our road safety systems because VicRoads will not. The checks and balances you would expect in road authorities are gone or ignored. Start the repairs by having elected representatives—not public servants—review your recommendations. Motorcyclists are part of the road toll, but even when our crash rate reduces dramatically we are vilified. The media is fed ‘Save them from themselves’ propaganda. The *Herald Sun*, 26 July 2020:

Motorcyclist deaths, although down to 20 compared with 30 at the same time last year, are still causing particular concern.

This continual trashing of motorcyclists has a dangerous effect on motorcycles and scooters in traffic. Motorcyclists hit by cars that do not stop are too often recorded as ‘Lost control of the motorbike’. This is particularly true in country Victoria, where neglected roads, hit-and-run drivers and wildlife can cause crashes, but the true cause of the crash is not recorded. I note the Alpine Way double fatal in eastern Victoria. ‘Unriders’—that is, riders without licences or on unregistered machines—are described as motorcyclists, and that distorts statistics. VicRoads promotes a negative image of motorcycling by presenting untrue causes as fact. Most vulnerable road user casualties are caused by car drivers. So why are motorcyclists blamed for their injuries and deaths when pedestrians and bicyclists generally are not?

Legitimate motorcycle and scooter riders are a health and traffic asset. Two-wheel commuters are less stressed when they get to work. On their way to work they reduce traffic congestion and emissions and do less road damage. They take up less parking space when they arrive, and they are happier workers. In regional Victoria motorcyclists are a tourism asset. They travel light and spend well—both at carnivals like the Phillip Island races and on rides every weekend.

Riders are sensitive to bad roads. If you make the roads safer for riders, you make them safer for everyone. Thank you.

The CHAIR: Thank you, Damien, for that presentation. I will go to Mrs Bev McArthur, and then I will ask a question myself.

Mrs McARTHUR: Thank you, Chair, and thank you, Damien. We have actually had quite a few people who have raised this issue of poor data. I do not know why this is, but, you know, we have this situation where we have no data on near misses or accidents where ambulances are not called. I know as a former councillor we were constantly raising issues of potentially dangerous roads but VicRoads were not interested unless there was a fatality, and my view is we should be trying to prevent them. So I think the issue of data is vitally important, and we are going to have to surely make that as one of the recommendations—that we get totally comprehensive data from every accident, whether an ambulance has been called or not. But you raise the issue of roadkill and the danger of wildlife on the roads that do cause accidents, and in the previous submission with the speakers I did raise the issue of roadside vegetation, which is now a serious issue in rural Victoria because we have got foliage and vegetation right up to the edges of the roads.

Mr GEPP: Sorry, can I interrupt Chair? Are we debating at the deliberative stage, or are we asking questions? I just wanted to clarify. I am not quite sure.

The CHAIR: I think with the customs of this place we are quite lenient in terms of our hearings, but I do understand a number of committee members have messaged me. Will we please try to stick to the question-answer structure. It is just easier to follow.

Mrs McARTHUR: Thank you, Chair. So, Damien, could you comment, please, on the issue of vegetation and wildlife as it affects motorists, including motorcycle riders, and the resultant outlay of wire rope barriers?

Mr CODOGNOTTO: Well, there are two issues there. One is roadside vegetation, particularly big trees right up close to the road. They present a hazard to all road users, and we would like to see a lot more run-off areas levelled out because they can provide wildlife, for a start, with a place to gather. We feel that wildlife comes onto the roads for a lot of reasons, and one of them is that after a shower of rain the water pools on the bitumen. If you had some sort of water dripping back away from the road in certain areas—it will not work everywhere—then that may help with wildlife. Run-off areas provide places for fire trucks, ambulances and police to get away from the traffic lane, so they provide a refuge there. And finally, they provide an area where vehicles can roll to or slide to a stop without hitting anything major. If you put in native grasses and shrubs, they can be an asset to road safety.

The wire rope barrier is a nightmare for us. It does not work the way it is promoted. Most of the papers and research on wire rope barriers is from overseas, not the same conditions as here, and very dated and old, and some of the ones they put up are just reviews of reviews of reviews. Wire rope in Victoria does not meet standards. In the Pyalong quadruple fatality the VicRoads expert admitted that if the wire rope had been placed differently, as the manufacturer has recommended, then the crash would have had a different outcome. There have been many people from tow truck operators to emergency services all saying wire rope is way too close to our roads in many places. Particularly on the Calder, where Phil White lost his life, the run-off area that was perfectly open and would have given him a chance was fenced off with a wire rope barrier. Wire rope is crazy. It is a real hazard on our roads.

Mrs McARTHUR: One more question: Damien, do you think a crash data authority independent of VicRoads and VicPol should be based in Melbourne or should it have bases across the state?

Mr CODOGNOTTO: No. The further you go from the capital city in Victoria, the less likely you are to get good science at a casualty crash. That is just a fact of life. That became evident in the forums that VicRoads held a couple of years ago. So if you have flying squads based in various cities across the state—say, Warrnambool, Sale, Albury-Wodonga and Mildura—fully equipped and with real, trained staff, unlike what we have at the moment, then you would be able to attend many more casualty crashes with full scientific backup. So we would say, ‘Yes, you need a unit in Melbourne, but if you base it all in the centre, it takes 4 hours to get to, say, Mildura or Warrnambool. You have got to get the people out of bed, you have got to get them on the chopper. It is better to have all those facilities in regional areas, and over time those facilities will save the state money. I saw one of the submissions quoted a fatal crash as costing \$9 million. Now, if that is correct, then we really need to be doing what we do for light aircraft crashes. It is very important.

Mrs McARTHUR: Just one final question, Chair: what checks and balances are there to ensure VicRoads does not mislead the public with false statistics in media campaigns?

Mr CODOGNOTTO: Well, we cannot find any. The checks and balances that should be there—for example, if they put out a statistic that is wrong and you want to complain about it, the Victorian public cannot complain. There is nothing there for them to approach. We complained about a TV ad that they put out on the wire rope barrier where they had a stunt driver in the car that they filmed crashing and the stunt driver can be seen holding the car against the wire rope, which does not happen in real life. So we complained, I think to the ACCC first. They said, ‘Oh no, it’s not ours—no, no. You need to go to the Victorian Ombudsman’. So we went to the Victorian Ombudsman, and he said, ‘No, no. We can’t do that. You need to go to the advertising standards council in Canberra’. So we went to the advertising standards council. By this time the campaign was well and truly run. This was about eight months later, and the advertising standards council said, ‘No, no. You want to go to the ACCC’. So checks and balances on output, as far as we could see, do not exist, and VicRoads is very happy with that.

The CHAIR: Thank you very much, Bev, for your questions, and Damien, for having a go at answering those. I have got one question. As you know, obviously, road safety is very important. Motorcycle users—using some of the TAC’s own statistics—sometimes only make up 1 per cent on average of the road users in terms of traffic but can be 18 per cent on average of the number of deaths on the road. Obviously the system we have in Victoria is kind of a TAC insurance scheme—a no-fault insurance scheme for people that are injured on our roads. I understand that you want to abolish the TAC levy. I have noticed that. Could you just say why you want to abolish the TAC if it is providing the safety net and services, medical care and weekly payments for injured motorcyclists?

Mr CODOGNOTTO: The safety levy does not do any of that. The safety levy, first of all, does not always get used, and when it does get used, the uses are by a narrow committee often with a handful of motorcyclists on it but mainly dominated by the public servants. So that is one. Two, the levy is targeted; it is discriminatory. No other transport form is taxed like that. The motorcyclists—legitimate motorcyclists, not unrulers—are paying as much as an SUV or four-wheel drive to stay on the road, plus the levy of \$75 a year on top of that. They were already paying a huge amount for the compulsory third-party insurance cover. Most of them have cars as well, so they are paying it twice. So motorcyclists are more than paying their way, and the levy is not working for them. In the motorcycle inquiry in 2012, recommendation 25 said, ‘Abolish the levy’. The final reason we want it abolished is that one of the things that is very special for motorcycling is our protective gear. It is very good stuff. It is very high-tech nowadays and really good stuff. But it costs money. If you are a

low-income worker going to work in the hospitality industry, for example, in the city of Melbourne, and you are riding into town on a scooter or a commuter cycle, you want to be changing your helmet every two to three years, you want to be getting new gloves for winter—you want all of those things. Seventy-five bucks out of your pocket when you are a low-income earner is a lot of money, especially when you are paying registration and insurance on the bike and probably on a family car and you are trying to raise kids. The levy is a targeted and discriminatory tax. It is not a safety levy at all. We want it abolished.

The CHAIR: I respectfully disagree with you, because I think it is clear the services they provide to 50 000 or 60 000 people getting injured every year, and the costs of those services, if individuals were to bear the cost, would be phenomenal. I think there is a place for it, but I respect your view as well. I want to pass on to the other committee members to ask a question. We will go to Mr Finn and then Mr Barton. Mr Finn, please.

Mr FINN: Damien, can I first of all congratulate you very warmly on your years of service to advocate for motorcyclists throughout Victoria. Your services, to my way of thinking, are quite extraordinary. I congratulate you on that and put that on the record to begin with. Now, you have covered a number of the areas that I wished to ask about already, so I have ditched those. I would just ask one thing, and that is your attitude to VicRoads. Now, I have had a lot of dealings with VicRoads over the years, and I have found that organisation to be exceedingly difficult—and it does not matter who is in government. It is an exceedingly difficult organisation to deal with and one that is not prone to listen to advice either asked for or unsolicited. What is your general attitude to those boffins who are making the decisions on our roads and on our cars and motorcycles?

Mr CODOGNOTTO: Well, I tend to agree with you. We have not got along with VicRoads for perhaps 20 years now. We used to, but not anymore. We find that they do not want us on committees because we tend to say things that are not on their agenda. When we question research, for example, they are horrified.

I will give you a couple of examples, or a few examples. We asked them to crash test wire rope barriers using motorbikes many years ago, and it was refused on the grounds that it costs too much. When the 250 cc restriction for learner riders came in we said, 'Well, you've got the figures of crashes beforehand. We need the figures afterwards. It wouldn't be that expensive to do a before and after study to see if the 250 law really worked', which it did not. But they would not do the research because they knew it would give them a result they did not want. The lights on business is another one; learner approved motorcycles, before and after, 'No, we won't do that'; graded licence system, before and after, 'No, we're not going to do that; motorcycle stop lines, which would fit in with the traffic filtering laws—no, they are not going to look at that.

So I am in agreement with you, that they are a very, very difficult organisation to deal with. That means people get excluded—people with on-road experience, people with engineering expertise. If they say things that VicRoads does not like, they get locked out. So I think in terms of do we want to reduce the road toll, one of the first places that you have got to start is reforming VicRoads and the way it collects crash data.

The CHAIR: Thank you. I will pass off to Mr Barton and Mr Quilty for a question each, because we have been running a little bit over time.

Mr BARTON: Thank you, Damien. Just on one of your recommendations, you want to stop installing wire rope barriers immediately. Last year there were 3000 strikes against the wire rope barriers. What are you suggesting should be done—have nothing at all or go for a solid barrier?

Mr CODOGNOTTO: Well, there are two parts to that. One is that in places you do want to have nothing at all. If there is a good run-off area, it is better not to fence it. But there are better barriers than wire rope to protect from roadside hazards. Wire rope just does not stop anything above an SUV.

The other thing, and this was the very thing that we were talking about earlier, is that there are no checks and balances. Have you seen the paperwork or the research that shows 3000 strikes on wire rope barriers which were potentially casualty crashes?

Mr BARTON: That is not what we said. We did not say there were potential—

Mr CODOGNOTTO: In the TV ads it is.

Mr BARTON: There were 3000 strikes.

Mr CODOGNOTTO: In the TV ad they said they were potential life-saving crashes.

Mr BARTON: That is not [inaudible]

Mr CODOGNOTTO: All right, but have you seen the paperwork on it?

Mr BARTON: No, I have not seen all of the data. You are mounting the argument for it to be abolished. So what is your supporting evidence to say we should get rid of it?

Mr CODOGNOTTO: Well, one of the things that we have recommended is that the committee establish a survey of YouTube, dashboard.com and so on to have a look at what is really happening in crashes. It does not work. There are hundreds of instances where cars have just gone straight over the wire rope. There was one into a bridge pylon. There was a Territory that went into trees and the driver died—

Mr BARTON: Sorry, Damien, but I can say there is always going to be some sort of element there. I personally have seen a Land Cruiser go into it at speed, at 100 kilometres an hour on the Geelong Road, and I saw how it maintained the car on the inbound. If that had not been there, that car would have spun across the median strip and into the oncoming traffic at 100 kilometres an hour. So I personally have seen it work. It is like airbags. Not every situation is going to save everybody, but I would like to see the evidence you have got to get rid of the argument altogether, because a lot of expert people are suggesting to us that wire rope barriers save lives.

Mr CODOGNOTTO: Well, in our opinion that is a fallacy. It is just wrong. They may save a life occasionally as in the instance that you mentioned. I was riding a motorcycle in the wet. It was raining, it was dark, a winter's night or evening—I think it was about 7.00 pm—on the ring-road where the wire rope barriers are before, or it might be just after, Plenty Road. There was a small, blue hatchback car in front of me—we were in the right-hand lane; there is a left-hand lane. There was a lot of traffic at that time of night. The little blue car suddenly speared off into the wire rope barrier. Now, I could not hit the brakes because it was wet and because I had traffic right behind me. That little blue car was slung like from a slingshot back across the road. I had to ride through a hailstorm of bits of broken plastic and glass and whatever else was flying through the air. By some miracle that little blue car did not hit another car. It went straight across two lanes of traffic and wound up on the grass verge on the other side of the ring-road. So my tale balances your tale. We think that if they did real research instead of just saying '3000 crashes'—where did that come from? Well, it is not from police reports. We think that if they really did look at the problem, they would say there are better barriers to protect from traffic and they cost a lot less over time.

The CHAIR: Thank you, Damien. Mr Barton, a couple of other speakers have also got a few questions, so we may have to put some of these in writing. I have actually myself got a couple more questions, Damien. I understand your perspective that the barriers may affect motorcycle users differently from other passenger vehicles on the road. I have got a few more questions, but I will put those in writing if that is okay. I will pass on to Mr Quilty to ask a question because he has patiently been waiting.

Mr QUILTY: We have heard from other witnesses that the strategy motorcyclists follow is to drive slightly faster than the ambient traffic to ensure that all of the threats are in front of them, which economises their attention. Motorcycles are also much less massive than other vehicles, brake more quickly and pose less risk to other road users. Do you think the speed limit should be higher for motorcycles to make this practice legal?

Mr CODOGNOTTO: That is a complicated one. Victoria Police used to teach their police bike riders to what they call penetrate traffic, which is precisely what you are talking about—going a little bit quicker than the cars so that you get into that clear road spot between the groups of cars. The complicated part is not that that does not work. That works fine—that is a good idea—but having differential speed limits may be difficult. I have not actually looked into that personally. But allowing some leeway, some discretion to allow bikes to get away from the cars, to penetrate traffic, is definitely a road safety asset.

Mr QUILTY: Thank you.

The CHAIR: Thank you very much, Mr Codognotto. It has been a pleasure. It is clear that your submission and presentation have generated some interesting debate. We thank you for your attendance today. Could we email if we have further questions, so you can have an opportunity to respond to those? Is that okay?

Mr CODOGNOTTO: Certainly.

The CHAIR: Thank you very much for your presentation today. Have a good day.

Mr CODOGNOTTO: Thank you.

Witness withdrew.