

# TRANSCRIPT

## LEGISLATIVE COUNCIL ECONOMY AND INFRASTRUCTURE COMMITTEE

### **Inquiry into the Increase in Victoria's Road Toll**

Melbourne—Tuesday, 7 July 2020

*(via videoconference)*

#### **MEMBERS**

Mr Enver Erdogan—Chair

Mrs Bev McArthur

Mr Bernie Finn—Deputy Chair

Mr Tim Quilty

Mr Rodney Barton

Mr Lee Tarlamis

Mr Mark Gepp

#### **PARTICIPATING MEMBERS**

Dr Matthew Bach

Mr David Limbrick

Ms Melina Bath

Mr Andy Meddick

Dr Catherine Cumming

Mr Craig Ondarchie

Mr David Davis

Mr Gordon Rich-Phillips

**WITNESSES**

Mr Peter Baulch, Chair, and

Mr Rob Salvatore, Vice-Chair, Victorian Motorcycle Council.

**The CHAIR:** Welcome to the Economy and Infrastructure Committee's public hearing for the Inquiry into the Increase in Victoria's Road Toll. We welcome any members of the public watching via the live broadcast.

Before I begin I will just read out a quick statement to our witnesses. All evidence taken at this hearing 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 the 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 posted 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 allow plenty of time for discussion. Can I please remind members and witnesses to mute their microphones when not speaking to minimise interference. If you have any technical difficulties at any stage, please disconnect and contact committee staff with the contacts you have been provided. Could you please give your names for the benefit of our Hansard team and then begin your presentation. Thank you.

**Mr SALVATORE:** Rob Salvatore, and co-presenting today—

**Mr BAULCH:** Peter Baulch, Chairman of the Victorian Motorcycle Council.

**Mr SALVATORE:** Okay, so I will kick off. We would like to make an opening statement, and we have a short presentation to help guide us and keep us within that time frame. If you are amenable, Chair, we will continue.

**The CHAIR:** Yes, please begin.

**Mr SALVATORE:** Okay, so I will share my screen, and I will continue to share the screen when I hand over to Peter to wind up our statement.

**Visual presentation.**

**Mr SALVATORE:** We appreciate the opportunity to speak to the committee today on such an important topic. Myself, Rob Salvatore, and Peter Baulch are here to talk about the Victorian Motorcycle Council's submission. Very briefly, an introduction into the VMC. We are Victoria's peak motorcycle advocacy body, incorporated in Victoria and networked nationally through the Australian Motorcycle Council. We have two fundamental guiding principles. The primary one is that we deliver credible, respectable, diplomatic, cooperative—and I should add here—rational, reasonable, logical, evidence-based representation in this motorcycle space. Doing that will help promote motorcycling's benefits and advantages, its freedoms and liberties, and balance this against the need for road safety. We understand that this is a necessary thing.

On the topic of road safety, we have two principles that guide us. The primary one is that road safety is a shared responsibility amongst all road users. That is at the heart of the VMC. Another principle here is that the road safety of one road user should not come at the expense of the road safety of another road user. And motorcyclists do feel impinged on at times and that their road safety is being reduced. I am happy to talk about that in question time if it should come up, but I would like to just quickly whiz through some key points of our submission and then hand over to Peter to conclude our statement.

The VMC deliberately created a submission which was entirely focused on motorcycling in Victoria. We did that and we deliberately went beyond the terms of reference because we wanted the committee members and anyone who was reading this submission to appreciate just how complex this topic of motorcycle road safety is. Whilst we did not crack the nut as to why riders are crashing or help to explain the motorcycle aspect of the road toll, we did deliberate extensively on the car-centric and unintuitive notions in the current road safety

paradigm that miss the point about motorcycle road safety. Our appendix number 1 at the end of our submission goes into great detail about that.

Just let me quickly whiz through the five key topics, the five themes of our presentation, in our inquiry submission. One of the prime ones is that it is time for an independent office of road safety data. This office should be tasked with the collection and analysis of road safety data. If we were to couple that with a crash investigation team that would go out and find the root causes of serious crashes and fatalities, then together they would produce timely, relevant and unbiased data that could go to the heart of policy and countermeasures for road safety. Right now, data collection and analysis are spread across multiple agencies, and as we say in our submission, that data is not necessarily unbiased.

Another point we make right at the start of our submission is that motorcycle road safety is complex, with many layers. It is sophisticated. There are many competing factors and many variables, and motorcycle road safety is often counterintuitive. We make multiple points along those lines in the submission. But just to demonstrate how complex it is, a demonstration of this is that the parliamentary Inquiry into Motorcycle Safety of 2011 went for 18 months and produced a report of over 500 pages and it still left topics on the table. Today we are barely going to scratch the surface in this particular area of road safety. I recommend the committee review that inquiry report.

We make pretty clear statements that the current approach to motorcycle road safety is very car-centric. I just listened to the RACV expounding on more car centricity, and I had to shake my head I have to admit. A lot of those car-centric notions are counterintuitive to motorcycle road safety. They are all based on the safe systems principle, which says that a road user will make a mistake but they should not suffer high consequences due to that mistake. That is somewhat incompatible with motorcycle road safety, because as soon as we separate from our motorcycle in a crash we are rolling the dice, to some degree, as to the level of injury that a rider will receive. We need to actually get to the heart of root causes and reduce the incidence of crashes rather than try and protect the vulnerable road user once that crash has occurred. One reason why a lot of unintuitive notions are getting into policy is that there is insufficient motorcycle expertise at this level. Peter and I are available for the job, should anyone ask.

It is time for a paradigm shift. The way to reduce the incidence of injurious crashes is to have upskilled riders on better engineered and accommodating roads. We have some local research—very powerful local research—that shows that if you make a road safer for motorcycling you actually make it safer for all road users. That is local Victorian research—better, upskilled riders on better roads and sharing those roads with road users that are more aware of motorcycles. In that way, the cognitive blocks that stop drivers from seeing bikes and stop drivers from making good decisions once a bike is seen will be partly or someway removed. So that is our three-pronged approach.

On the rider focus, we mentioned the Ride Forever program in New Zealand that is kicking some great goals right now. It is a subsidised, post-licence advanced rider training program, and Peter has been instrumental in introducing the concept here in Victoria. So this is where I hand over to Peter to talk about it in a bit more detail.

**Mr BAULCH:** Thank you, Rob. Chairman, fellow committee members, the Ride Forever program is predicated on one of the points that Rob made in the proposal for a paradigms shift, and that is: better riders. It is a three-part paradigm: better riders, better roads and better awareness. My focus is on the better riders program, and I think we would all accept that the better skilled someone is the better their performance will be. None of us would entrust our brain to an unskilled neurosurgeon, I am sure. The objective is to impart superior skills and superior decision-making in a robust road craft through real on-road delivered training, so this is instructed on-road rides.

This proposal, I should point out, as in our submission, came from one of the regular joint meetings that the VMC executive had with senior personnel from Victoria Police. The assistant commissioner at the time, Stephen Leane, jumped on this one and straightaway we had a partnership underway—a very constructive partnership, which led to the acceptance in principle of the proposal by MEAP, which was the Motorcycle Expert Advisory Panel that operated previously through the minister for road safety. A local steering committee was established, which I chaired, which involved the Victorian Motorcycle Council, Victoria Police, VicRoads, the TAC, Honda Australia Rider Training, the Cardinia shire and the enormous support of the Honourable Jaala

Pulford, who was then the roads minister and road safety minister. Progress towards a pilot stage was underway, and then organisational changes fell into place with the retirement of the assistant commissioner, Stephen Leane, with the restructuring at VicRoads and of course with the cabinet reshuffle and change of ministers, not to mention COVID-19. They are not excuses, they are simply statements of fact. The value of this program stands on its own merits, as is evidenced by the outstanding success of a similar program in New Zealand. The Victorian government supports the development of enhanced training for licensed motorcyclists to improve their rider skills, and this program would benefit from the committee's endorsement and supportive recommendation.

I can speak more about the Ride Forever program if members wish based on their questioning. But it is an outstanding program, and let me just give you one piece of evidence, if I may. If we could replicate the results in New Zealand, the course would deliver 27 per cent less likelihood of riders submitting claims to the TAC, and when compared with riders who have not completed the course, we see it shows that riders who have completed the course were 45 per cent less likely to ever have to submit a claim to the TAC. I think those figures are outstanding. Thank you, Mr Chairman.

**The CHAIR:** Thank you. That is a very interesting statistic. I have got a few questions actually on my mind, so I might begin. But I will come back to the Ride Forever program maybe after some of the other committee members have had an opportunity.

I just had a quick question about protective equipment. I noticed in your submission, when I was going over it, that you discussed about promoting protective equipment. We know equipment such as boots and gloves reduces I guess the injury suffered by riders. What would you say to the government making some of that protective equipment mandatory? Currently I believe only helmets are mandatory.

**Mr BAULCH:** Chair, I might start this, but I am sure Rob will have something to say as well. In short, we are opposed to mandating, because as soon as you mandate something it then requires a standard—what defines a boot, what defines a jacket, what defines a glove. And as soon as you put standards in place you impose impossible barriers to manufacture, and Australia in the global market is a very small percentage of the global market. It is unlikely that manufacturers would do a production run simply to comply with an Australian-imposed standard, but more importantly I think we are all familiar with the ANCAP rating for safety of motor vehicles. The Victorian government and the Victorian Motorcycle Council through the Australian Motorcycle Council are part of a very exciting program called MotoCAP, which is ANCAP for motorcycle safety equipment. This is underway nationally, but all the research is being done at Deakin University in Geelong, the Geelong campus. I would strongly recommend that each of the committee members gets an opportunity to avail themselves of a personal visit to that facility and have a look at just what is happening there. What that does is provide a star rating, much the same as ANCAP does, and then the rider can see straightaway what is the safest piece of equipment.

The other problem with mandating is that Australia is a very large country and the type of safety gear required in Darwin is entirely different from that that might be required in Hobart, so mandating becomes almost an impossibility. Rob?

**Mr SALVATORE:** Thanks, Peter. Chair, Peter stole a lot of my thunder, so I will pick on a couple of other points. The concept of mandating protective gear is actually predicated on an incorrect assumption. You are trying to address riders with a risk attitude, and putting them in protective gear does not actually address the fundamental root cause of why they are doing what they do. It is also trying to address a misperception about riders not wearing enough gear. You will see scooter riders in urban areas who are often dressed in office clothing getting around, because motorcycle gear is not compatible with office wear.

You will see very popular media perceptions in St Kilda, for example, at the beach, because there is nowhere for riders to store their gear. So they will take that ride to the beach and not be dressed in head-to-toe. Another misconception, and I speak on this within community groups that I go to speak to—say, Lions and those kind of groups—is the concept that if you see a motorcyclist without gear they have a death wish or a negative risk attitude. But the rider fully protected in gear and the rider without any gear at all apart from the mandatory helmet have exactly the same risk of fatality and serious injury above 60 kilometres an hour. So we do not support mandatory gear, but we support choice. We support education and we promote gear because the thing that gear does very well is it avoids degloving injuries, skin abrasions and those kinds of injuries which can

extend hospital stays. It literally cannot reduce or mitigate deep traumatic trauma to a body—broken bones, that kind of thing. Where a rider survives a serious crash with full protective gear their hospital stay is likely to be reduced because they are sporting fewer injuries where infection can come in. That is fantastic. That is a great reason to promote gear, but it is not the Elven magic armour that people think it is. It is not an airbag. It is not a crumple zone. It is 1 to 1.5 millimetres of leather, a 12-millimetre composite rubber pad, and it is not a side-impact intrusion system. So it is not a seatbelt, and I just need to get that concept very clearly.

So we support choice, community and public education, and the promotion of gear. We would love to see some of the motorcycle safety levy going into discounting good gear—and good gear in itself is a whole topic that we could spend the whole day on, but I will move on.

**The CHAIR:** Thank you. Just on Peter's point, Deakin University has made a submission, and we are inquiring about visiting their Waurn Ponds university campus to see a bit of the work that they are doing.

**Mr SALVATORE:** Fantastic.

**Mr MEDDICK:** Thank you, gentlemen—both Peter and Rob—for your detailed submission and for your advocacy for motorcycle riders over many, many years. Even to get to where we are today has been a tortuous process for motorcycle riders. Just as an aside, I remember where I grew up, on the central coast of New South Wales, at 16 and 9 months you could get your learners permit and at 17 you could get your drivers licence, but your learners permit let you ride a motorcycle up to 250cc with no training whatsoever. So your learners permit was actually to drive a car, but you were allowed to jump on a motorbike without ever having been near one. So we have come a long way since then—but clearly still not enough. I am just wondering if you have done—and I think you have—costings on initiating the New Zealand-style program into Victoria or even nationally, what that looks like.

**Mr BAULCH:** I will jump in there. VicRoads, at the time that all of these changes took place, was in the process of establishing a working team and a budget. But of course that has now all changed with the restructure at VicRoads and with the cabinet reshuffle. We have established communication with the new minister for road safety, the Honourable Ben Carroll, and we will certainly be proceeding because we are ready to go.

I think the important thing is that it was advised to me—after I called the first meeting that involved us, Victoria Police, VicRoads, TAC, Honda rider training and the municipal shire in which this riding would take place—that it was the first such meeting of all those agencies convened by a non-government organisation, that is the VMC, that had the overwhelming support of everyone present. That is why it has moved to the point where it has got to now. It is now, I think, up to us—once we can get rid of this COVID-19 fiasco and get on with it—but one of the things that would certainly give it some impetus would be an endorsement or recommendation from this inquiry.

**Mrs McARTHUR:** Thank you, Rob and Peter, for your advocacy, for your constituency and for your presentation and submissions. You state in your submission that popular regional roads for motorbike riders are often ones with low traffic volumes. Does it therefore concern you that as part of the Top 20 program VicRoads made the selection criteria for choosing roads to receive infrastructure upgrades those with high traffic volumes, therefore excluding many of the most dangerous roads used by motorbike riders? And I have a follow-up question.

**Mr SALVATORE:** Well, those infrastructure treatments were primarily wire rope barriers. If I can assume what the larger demographic of motorcyclists would say, they would welcome the fact that those treatments were not done on the popular riding roads. But yes, there are potholes, and there are issues with some of these C-grade or C-category roads that riders do prefer. On some weekends on some of those roads, powered two-wheelers are the highest proportion of traffic. Whilst we are only 4 or 5 per cent of the road fleet and we make up 1.5 per cent to 2 per cent of vehicle kilometres travelled, on some roads on some weekends, we are the majority of traffic. It is a point worth making. But yes, we do ride around potholes, we do ride around poor road repairs, and where road repairs are not well signed I do encourage our members and riders to report those to VicRoads. Some roads have had improvements, but not all.

**Mrs McARTHUR:** So my follow-up question would be: do you think that half a billion dollars on wire rope barriers is a good use of resources when your report states that these regional roads are, and I quote:

... littered with potholes, gravel patches and poorly maintained road surfaces ...

Do you think those resources would have been better spent addressing the dire state of repair of many of our regional and rural roads?

**Mr SALVATORE:** That is an interesting question and potentially a leading question. What I will say is that through the Motorcycle Expert Advisory Panel and through our advocacy we have put our preferences forward in where infrastructure money should be spent, but we do not control policy.

**Mrs McARTHUR:** Does it include wire rope barriers, your suggestion?

**Mr SALVATORE:** No barrier is a great barrier for a rider to crash into. Wire rope barriers are the worst kind. That is confirmed by research. We have our views on the wire rope barrier system. I am happy to expand on that, if you would like, but—

**Mrs McARTHUR:** Please do.

**The CHAIR:** I am just acutely aware of the time, because obviously there was only half an hour allocated and we started out 5 or 10 minutes later than expected. Maybe you could forward your views on the wire rope, because I know Bev will have a few more questions. So maybe you could forward that information on—your broad views on the wire barriers. I will just have to move on to Tim and then Rod and Lee as well if you have got questions. My apologies.

**Mr QUILTY:** I have got a couple of questions. Now, in your submission you highlight that it is safer for motorbikes to drive at 5 or 10 k's faster than the traffic. Do you think speed limits should actually be lifted for motorbikes to be 5 or 10 k's higher than cars? My second question is: what does a motorbike-safe friendly barrier look like?

**Mr SALVATORE:** I am not sure we were arguing for a higher speed limit for motorcycles. What we were describing is a robust road craft strategy where you will see bikes moving faster than the average speed of the traffic and ideally just slightly above the average speed of the traffic because that then allows the rider to put their focus forward and manage all the hazards that are coming to them. If they are part of the traffic flow or at a speed below the average traffic flow, then they have to actually manage a 360-degree view of obstacles and road hazards. So I guess, reading between the lines, we were perhaps arguing for a little bit more tolerance in the speed enforcement of motorcyclists that are actually riding in a very safe way and doing so for their road safety. In the 2011 parliamentary inquiry I made a comment, and it is still relevant today: riders will serve their safety first before the law because complying with every road rule is not actually the safest way for a motorcyclist to ride. Sorry, your second point?

**Mr QUILTY:** It was: what does the safe roadside barrier look like for a motorbike?

**Mr SALVATORE:** Well, apart from what you might see on a racetrack, which is an air curtain or some kind of very absorbent material, there is not a genuinely motorcycle-friendly road barrier, but the configuration of a road barrier that would be more friendly for riders is something that has a sliding surface. We are talking about concrete barriers or we are talking about a type of barrier that I prefer over wire rope barriers but still provides some flexibility, some flexible attenuation, and that is called Ezy-Guard, which is like a very flexible W-Beam which is very easily retrofitted with rub rails. Now, you will see W-Beam or Armco fitted with rub rails on riding roads. They are quite strong, quite heavy road barriers. The current version of that is called Ezy-Guard. We think that that is a type of barrier that more meets both of the VicRoads/policy needs for flexible barriers and is more easily retrofitted to become motorcycle friendlier. The right answer is: build roads that allow run-offs that allow a rider to make a mistake but allows the time to make a correction.

**Mr BARTON:** Thanks, guys. How do we do this, better riders? How do we get them out of getting themselves into situations where we want to stop them from having accidents? How do we improve that?

**Mr BAULCH:** I think that is where this Ride Forever program can be of huge benefit. The important thing about any program is that you get maximum participation. Now, as our submission points out, motorcyclists are a varied breed, motorcycles vary greatly, but the important thing is to get maximum participation to produce the outcomes or replicate the outcomes or improve on the outcomes that have been demonstrated over some period of time now in New Zealand. The critical factors to the program's success in New Zealand appear to be the fact

that in order to appeal to all riders of all age groups and of all peculiarities, completion of the course results in a reduced registration fee, a discounted TAC fee, and the program has even been so successful that in New Zealand there is commercial buy-in. Commercial insurers that comprehensively insure bikes and equipment are giving discounts to riders who can produce a certificate of having completed the course. That is the sort of cooperation where you have got government and commercial buy-in and complete compatibility built around a program that is incentivised for maximum participation.

**Mr BARTON:** In terms of training though, what are we doing in terms of training? What are we doing now, and what do you think we can do better?

**Mr BAULCH:** We have had in place—and Rob can comment on this in a moment—now for a few years a graduated licensing system, which is a significant improvement over the previous regime. But the biggest problem is that there is no data on it. There is no data as to how it is being measured. We do not know what criteria are being used. And this takes us back to our very first objective of getting an independent data resource facility. That is so critical to all aspects of road safety, not just motorcyclists. If this committee does nothing else but achieve that objective, I will be thrilled. Rob, a comment?

**Mr SALVATORE:** The motorcycle graduated licensing scheme went through a review and an update in the last five years. The learner curriculum has been improved, and we believe that that is producing better learners right out of the box, so to speak. They are more skilled, they are more aware of the roads, more aware of the hazards and they have better training about how to apply more robust road craft. The same is not being done for post-licence and experienced riders. It is up to the riders themselves to go and conduct or have some additional training. The Ulysses Club, for example, offers riders a small refund or—

**Mr BAULCH:** Subsidy.

**Mr SALVATORE:** Subsidy—thank you, Peter—if they go and do a course and then they show proof. So the way to get licensed riders to go and upskill is to provide incentives. That is where we think the real root of that answer lies.

**Mr BARTON:** Sorry, Chair, can I have one more go?

**The CHAIR:** Okay, one quick question.

**Mr BARTON:** I asked the RACV just previously—you might be surprised, but I am not a young man. I got my licence at 18 and I have never been tested again. Do you think there is a role that we have regular testing say every 10 years for the first bit and as you sort of get to that 60 mark maybe every five years or something?

**Mr BAULCH:** I resemble that.

**Mr SALVATORE:** And I am fast resembling that. But if I could come in there, Peter, this topic comes up often in motorcycle circles. Even if you did a 10-yearly relicensing or testing of some kind, it works out to be something like 3000 or 1800 actual tests per day every day of the year for 10 years in order to get through the number of licensed people, and that number of licensed people is growing every single day. I understand the point you are driving at, and I actually, at my heart, agree with it, but the logistics of it make it extremely difficult. So some other mechanism for keeping riders and drivers updated and their skills current is needed, I believe.

**The CHAIR:** Thank you. On behalf of the committee, Peter and Rob, I would just like to say thank you for your presentation and contribution today. As a committee we will be taking a short break from broadcasting. I urge all committee members to be back online before 11.20.

**Mr BAULCH:** Thank you, Mr Chairman. For Bev's benefit, in relation to wire road barriers, could I quote a senior VicRoads executive in a meeting, who said, 'Are we constructing a roadside hazard that didn't previously exist?'

**Mrs McARTHUR:** Love your work.

**Mr BARTON:** I suspect we are going to hear that from Mrs McArthur again.

**Mrs McARTHUR:** It will be a stuck record.

**The CHAIR:** No further encouragement, please. If you have got submissions, feel free to email them through and I will distribute them to all committee members. Thank you.

**Witnesses withdrew.**