



Submission - RSCSubmissionMCSafety110719.pdf

Michael Chmiel to: rsc

Cc: David Lyster

19/07/2011 10:20 AM

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History: This message has been replied to.

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1 attachment



RSCSubmissionMCSafety110719.pdf

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**ATTENTION:**

Executive Officer  
Road Safety Committee  
Parliament House  
East Melbourne VIC 3002

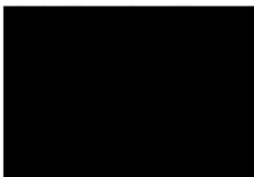
Two whom it may concern,

Please find attached this submission on behalf of myself and David Lyster for the the current Road Safety Committee Inquiry into Motorcycle Safety.

We look forward to confirmation that you have received this PDF.

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Mike Chmiel



## Submission

Inquiry into motorcycle safety

## Date Due

Friday 22 July 2011

## Authors

David Lyster, [REDACTED]

Mike Chmiel, [REDACTED]

## Context

The Road Safety Committee (joint investigatory committee of the parliament of Victoria) called for written submissions to provide information in relation to the committee's inquiry into motorcycle safety. The committee released a terms of reference in order to guide submissions in support of the committee's investigation and people were invited to provide their thoughts on some or all of the terms of reference.

This submission focuses on the following terms:

- (d) rider attitudes toward each other
- (e) responsibilities for improving safety of off road riders
- (f) the efficiency and effectiveness of the accredited provider scheme in the delivery and administration of motorcycle licensing
- (g) countermeasures used in Victoria, Australia and other comparable overseas jurisdictions to reduce the number and severity of motorcycle accidents with reference to road environment treatments, behavioural change programmes and the design and technology of motorcycle protective gear
- (h) the appropriateness of the TAC premium for motorcyclists in relation to covering all riders eligible to claim on the TAC scheme
- (j) the effectiveness of the motorcycle safety levy in improving motorcycle safety in Victoria
- (k) the ways government can work with non government stakeholders to achieve motorcycle safety outcomes

## Aim

To reduce the frequency, severity and cost of motorcycle injury in Victoria

## Scope

Broadly the scope of this submission includes the following:

- ~ Provide a rider perspective on motorcycle safety in relation to the inquiry terms of reference
- ~ To form focus areas for government in support of enhanced rider safety

- ~ Monitor government recommendations and strategies in terms of rider safety, indemnity insurance and use of safety levies and other government imposed costs

## **Key Requirements**

1. Acknowledgement of receipt of submission
2. Involvement in inquiry analysis and round table discussion
3. Involvement in the development of recommendations for legislative change
4. Schedule of project milestones

## **Critical Success Factors**

- ~ That the enduring focus for all involved remains clearly on the end goal – allowing motorcyclists to pursue their chosen activity while supported with a road safety, registration and insurance parity compared to other road users
- ~ The project has the support of user groups, parliament and government agencies such as TAC, DSE, DoJ & DHS
- ~ The project is properly governed with transparent processes, analysis and recommendation modalities
- ~ The strengths and quality of the current TAC and insurance policy is maintained to at least the current standard
- ~ That public input and review is maintained throughout the project
- ~ Peoples rights are protected

## **Disclaimer**

This submission as written is based upon that information which was available to the authors at the time of writing.

Motorcycle safety data supporting this document were based on an internet search of publicly available data within Victoria. This search found several sites such as the Vic Roads, TAC and Monash University and motorcycle rider forums. This information was based upon road user death and serious injury rates.

The search uncovered information that was available from interstate and internationally. However, there was no standard report or format that would allow accurate or robust analysis without gross assumption on the part of the authors. Therefore, this information was excluded from the submission.

While the information that is available is not conclusive enough to support robust arguments, it does provide some understanding of gross road safety issues in Victoria and also areas to which further research may be directed.

## Discussion

The discussion on each term of reference has been considered as an individual topic, however, there are areas where the intent and/or focus of the discussion may be replicated across terms. This is because terms of reference have cross referencing of topics. The following discussion is framed around the seven aforementioned terms of reference:

### **(d) riders and drivers attitudes to each other;**

Driver attitude is a significant factor in road safety. An example is blind spot management. Anecdotally, people will often complain about other road users not looking and not seeing them, yet they themselves would hover in blind spots making an assumption that other road users know they are there (rider and driver alike). Road user attitude should be one of non assumption – not to assume that others can see them and also not to assume they are always in ‘the right’.

VicRoad statistics indicate that the average annual number of motorcycle related deaths in 2009 was 1 death per year for each data grouping. The major variables were the 21-25 and 60-69 data groups which had an average death rate of .6 per year for each group. However, the frequency of reported injuries resulting from motorcycle events in 2008 indicate the 21-25 year data group had the highest annual injury rate at 33.2 followed by the 30-39 year data group at 27.8 injuries and the 18-20 year data group at 24.3 injuries in the year. Two assumptions have been considered:

1. The predominant number of motorcycle riders are aged between 18 and 39
2. Driver/rider training begins in the 18 and 39 year age brackets

There is not enough publicly available statistical evidence to support causative factors however, anecdotal evidence suggests that the higher number of motorcycle crashes involve relatively inexperienced riders.

The trend of governments toward increased legislation and policing around road use is restrictive and severely impacts a person’s basic human rights. The only real solution in this case is road user training, specifically the contractual requirements placed on non government organisations who deliver driver/rider education. Public awareness campaigns provide some knowledge and understanding of the impact of individuals on the road however, trainers have a responsibility to train their clients to a standard and they are the only ones who can really monitor road user behaviour – driver and rider alike.

**(e) responsibilities for improving the safety of off-road riders;**

Every rider user is primarily responsible for his/her safety. Each rider is expected to ride in a safe manner and also provides a level of safety for other road users (as discussed previously). Much effort has gone into the design of safety equipment for riders which do differ significantly from person to person. Motorcycle design has changed significantly over time and the vehicles have become far safer particularly off road. This is happening within the manufacturing process and should remain there – not driven by legislative controls.

As an expectation each rider must consider the level of safety equipment he/she deems necessary at the time of riding and assumes the responsibility for whatever happens during the ride. Riders are already required to wear an approved safety helmet and any further legislative or rider specific engineering controls would restrict the riders basic human right to be responsible for his/her own safety and safe conduct. The responsibility for individual rider safety clearly rests with the rider him/herself.

Where government and community responsibilities lie is in two areas – education and reduction of dangerous practices such as defacing or destroying tracks at blind corners. Just as roadworks on highways and in built up residential areas must be completed to a safe standard, modifications to roads in crown land areas must be performed with the same consideration. Off road motor vehicle users are often scorned for the damage they have created however agencies must take responsibility for the damage done by contractors paid to close tracks by pulling trees down and dig holes to form dangerous obstructions (this has occurred recently in the Mt Disappointment area). This is not only environmentally damaging, it is dangerous to off road users and in the event of fire the community.

**(f) the efficiency and effectiveness of the accredited provider scheme in the delivery and administration of motorcycle licensing**

There is no publicly available information on the incidence and severity of event between road riders and dirt riders. This information may be available to agencies and the VicRoads report does include full road death toll comparison between urban, regional cities and rural roads. Because of this lack of data, it is impossible to discuss any variation between the cost to insurance of dirt bike incidents and other road users.

However, the differing rates of registration between full and recreational registration both include very high levels of indemnity & personal injury insurance through VicRoads and TAC. This is particularly so for those with an engine capacities over 500cc, a bike which is often safer than lesser capacity motorcycles.

Under the current scheme, riders have access to insurance in the event of a crash. The current TAC scheme requires the rider to cover own bills and subsequently claim a reimbursement once they have approval of TAC. The issue is that there are several administrative barriers to access these funds which are often found by riders to be prohibitive. Any change to TAC should be in the administration of the insurance to streamline the process of accessing insurance – not who is covered and by how much depended on their registration or areas they ride.

One area that may need review is the difference between recreational registration and full registration of a dirt bike. The disparity from an insurance perspective is that one can fully register a bike, ride it very little and pay a significant premium. On the other hand, another rider can register their bike under the recreational registration scheme, ride for significant periods of time and pay little insurance in comparison. Each have the same apparent level of injury cover yet there is inequity in funding/licensing value.

**(g) countermeasures used in Victoria, Australia and other comparable overseas jurisdictions to reduce the number and severity of motorcycle accidents with reference to road environment treatments, behavioural change programs and the design and technology of motorcycles and protective gear;**

As previously discussed (e), riders clearly hold the responsibility to wear the safety equipment they deem necessary for any given ride. The current legislative measures in Australia require riders to wear an approved helmet every time they ride. The use of other protective equipment while riding is discretionary and must remain discretionary. Riders have both an obligation and a basic human right to use available safety equipment whilst they ride as they deem necessary. The appropriateness of protective equipment varies considerably from area to area, ride to ride, and on/off road (environment, geographic location, temperature, weather etc). It is up to the individual to decide what safety measures are going to be taken at any given ride. Therefore, rider education and NGO responsibility provides the best opportunity to minimise the frequency and severity of incidents.

**(h) new initiatives to reduce motorcycle crashes and injuries;**

Nobody intends to crash their vehicle. Rider education and attitude based around the risks associated with riding is imperative to reduce the incidence and severity of crashes. Any new initiatives should be focussed on road user education and better controls of licensing by NGOs (eg HART, DECCA etc).

**(i) the appropriateness of the TAC premium for motorcyclists in relation to covering all riders eligible to claim on the TAC scheme;**

Under the current scheme there are two forms of registration available to riders of dirt bikes – full road user and recreational registration. The difference in road use between these options is that with full registration enables you to ride your motorcycle on any open public road; and recreational registration permits allow you to ride on open public roads located outside suburbs and built up areas ( as defined by speed zones of less than 100km/hr) with a road classification code\* between 3000-3999 or on roads NOT shown in the [VicRoads](#) Country Street Directory. Other roads such as freeways and arterial roads (code 1000-2999) and main roads and tourist roads (code 4000-5999) cannot be ridden on. An example of the inequity with this system is where one can fully register a bike and ride it very little, and another can register their bike under the recreational registration scheme and ride for significant periods (previously discussed) and a pushbike rider does not pay anything. Each has the same apparent level of injury cover yet there is inequity in funding value.

VicRoads provide some data on the location of motorcycle death and injury – rural or city in 2009 and 2008 respectively. VicRoads site the Melbourne data catchment area as the predominant area for both death and injury rate as compared to rural locations at 60% to 40% ratio. The authors found no publicly available data on the split between off road and on road motorcycle events including the cost and inequities of both. Base upon this lack of information it is impossible to form a recommendation other than for the current system to be administratively improved whilst access to the insurance is at the lease maintained. Every road user has a fundamental right to the same level of coverage regardless of the areas ridden.

The final inequity is with pushbike riders who pay no registration, no levy and no insurance yet receive full access to all roads and all the benefit of TAC and other insurance. This is unjustifiable.

**(j) the effectiveness of the Motorcycle Safety Levy in improving rider safety in Victoria;**

It is not obvious exactly how the motorcycle levy is allocated. Of the funds received – what specific safety improvement do we now have? The VicRoads site indicates several areas where activity has been initiated but there is no indication of how the levy is allocated and the impact of the changes. The site documents statements such as ‘safety improvements’ and ‘sign alterations’ however there is nothing that indicates how riding is now safer due to the levy. On the outset, this levy is seen by riders as a grab for money and inequitable in comparison with vehicle drivers and other road users such as pushbikes (discussed earlier).

**(k) the ways government can work with non-government stakeholders to achieve motorcycle safety outcomes.**

As discussed previously, there is much that governments may be able to do with non government organisations such as HART, DECCA and media organisations. The following highlights the major points:

- Less taxes on safety equipment and financial incentives on retailers
- Better education standards at licensing by NGO's
- Ensure a minimum standards for licensing syllabus by NGO's
- Media campaigns about use of safety equipment
- Maintain TAC benefits with the current as a minimum with 'no fault' assumption as practiced within the work cover insurance scheme
- More bike visitor areas at common destinations for off road users

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