



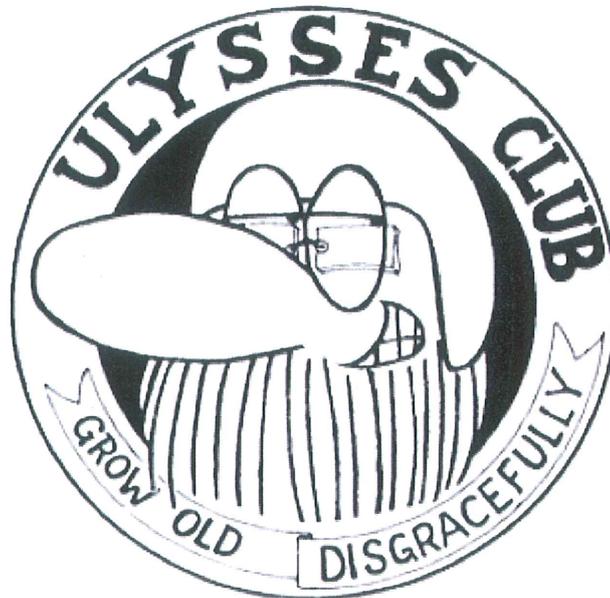
Submission No. #60

Received

Road Safety Committee

Victorian Parliamentary Road Safety Committee  
Inquiry into Motorcycle Safety:

Submission September 2011



Ulysses Club Inc.

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## Background

The Ulysses Club appreciates the opportunity to present a submission to the inquiry. As the largest club for motorcyclists in Australia, the Ulysses Club represents nearly 30,000 paid-up mature aged motorcyclists. Motorcyclists with many years of riding experience have provided input, including members who have held executive positions within industry and Government. Please note that for the purposes of this submission (unless otherwise stated) motorcycles include both motorcycles and scooters.

The author (Tony Ellis) is the Victorian representative on the Ulysses National Road Safety Committee. He is a motorcyclist of over forty years experience and is an executive member of the Australian Motorcycle Council (the peak rider group body), a former member of the Victorian Motorcycle Advisory Council and a member of the new Motorcycle Advisory Group as well as a member of the Australian Government's Motorcycle Safety Consultative Committee.

### *How unsafe are motorcycles?*

It must first be said that there has never been a safer time to be a motorcyclist in Victoria. By any standard, either by deaths per 10,000 registrations or by vehicle kilometres travelled we are seeing the safest time ever for Victorian motorcyclists. Motorcycle casualties have stayed relatively steady while the number of motorcycles has increased dramatically.

The Victorian Auditor General's report into Motorcycle and Scooter Safety<sup>1</sup> points out a 53% reduction in fatalities against an **increase** of 23% in motorcycle and scooter registrations. However the media and authorities continue to focus on the misleading raw numbers.

Despite the fact that motorcycling is "over represented" in the road toll, when taken objectively, motorcycling, while less safe than many other means of transport is a surprisingly safe pastime. For example, both skiing and horse riding are ten times more dangerous than motorcycling. According to the *Flinders University Research Centre for Injury Studies*<sup>2</sup>, horse riding and downhill skiing injuries are put at one injury for every 1,000 hours of participation, for motorcycling it is one every 10,000 hours<sup>3</sup>.

Despite this significant improvement, we continue to have increasingly strident rhetoric from authorities that often precludes any objective examination of motorcycles and scooters as a legitimate transport medium.

There appears to be a definite policy to not announce any good news about road safety initiatives. This leads to a high degree of cynicism amongst riders and only adds to the feeling of paranoia and persecution that is apparent amongst many.

## RECOMMENDATION

**That due regard and acknowledgement is given to the significant improvements in motorcycle safety.**

### *What data is there?*

A significant problem for any serious study of motorcycle crashes is a lack of accurate information concerning them. There is a paucity of information concerning types (and makes and models) of motorcycles involved in crashes. There are many different types of motorcycle, each of which varies significantly in its performance characteristics, usage and riding style yet we have no good information about which types of motorcycle are involved in crashes.

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<sup>1</sup> <http://download.audit.vic.gov.au/files/20110209-Motorcycles.pdf>

<sup>2</sup> <http://www.nisu.flinders.edu.au/pubs/bulletin24/bulletin24-Introduc.html>

<sup>3</sup> This figure may be even lower than 1 every 10,000 hours. Exposure details for motorcycles may be significantly underestimated. What data is available is generally derived from ABS census commuting figures. Given that these figures are obtained mid week in the middle of winter, they exclude all recreational riding and are taken at a time when commuter riding is at its lowest, particularly in the southern states.

As a result of a lack of real information many decisions regarding motorcycling are made on the basis of “it seems like a good idea”. For example, there is a perception that motorcyclists are more involved in crashes than other road users. This is not necessarily the case. While it is true that a motorcyclist is significantly more likely to be injured *if* they crash, they are generally less likely to be involved in a crash. If riders were more likely to crash, insurance rates would be significantly higher than they are. In fact, the main factor driving up motorcycle insurance rates is usually theft, rather than damage.

In April 2008, the Motorcycle Safety Consultative Committee convened a Motorcycle and Scooter Safety Summit in Canberra. The objective of the Summit was to explore key motorcycle and scooter safety issues and to identify the scope for improving existing safety measures and developing new measures.

Attendees at the summit included representatives from all States and Territories. Rider groups, police, various road authorities and academia were all represented. Keynote speakers included Mr Steve Kratzke, Associate Administrator for Rule Making, US National Highway Traffic Safety Administration, Mr Tony Sharp, Vice President, UK Institute of Highway Incorporated Engineers (IHIE) and Dr Nick Rogers, Secretary General of the International Motorcycle Manufacturers Association.

The final report from the summit may be found at *Attachment A*

## **RECOMMENDATION**

**That the RSC notes the recommendations from the National Motorcycle Safety Summit.**

### ***Older and “Returning” Riders***

It has long been assumed that “returning riders” may be a problem. “Returning riders” are generally considered to be those that obtain a licence when young, stop riding as they get older and begin having families and then return to riding some 10, 15 or 20 years later.

However, to quote from the recent report *Older Motorcycle Rider Safety*<sup>4</sup> produced for the Queensland Department of Main Roads, “*Crash rates have decreased in every age group, with a trend towards a lower crash rate for older riders ... Given the moderate increase in the number of crashes and the larger increases in the number of active riders over the two time periods we can see that the crash rate for active riders has actually decreased over the two periods by 32%.*”

### ***Research isn’t necessarily research***

As can be evidenced by the above report, what can seem to be self-evident wisdom is not necessarily so when it comes to motorcycling. What is evident is that a great deal of objective peer-reviewed research is lacking when it comes to motorcycle crashes. Unfortunately, many of the studies carried out in Victoria are deemed to be proprietary by the agencies commissioning them.

Much of the work is therefore not published, the original data and methodology is not published and it is not properly peer-reviewed. These “research” papers lead to the suspicion that the studies are commissioned by organisations in order to arrive at a pre-ordained conclusion.

This applies even to work commissioned by the former Victorian Motorcycle Advisory Council, where members of the Council have only been given access to a summary of the results.

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<sup>4</sup> *OLDER MOTORCYCLE RIDER SAFETY*, ARTD Consultants, produced for Queensland Dept of Main Roads, April 2011

## RECOMMENDATION

**That all studies commissioned and carried out into road safety in Victoria be made available for independent review.**

### *How are motorcycles used?*

The pattern of motorcycle usage is generally not well documented. People's reasons for taking up riding are increasingly practical, with riders opting for a motorcycle or scooter as a cost-efficient alternative to crowded, infrequent and expensive public transport systems, or as a means of avoiding or reducing the effects of urban congestion.

The significant increase in scooters over the past decade is symptomatic of a movement to an alternative form of transport. Scooters, with the exception of larger models, are generally not used for recreation in the way motorcycles are. From being a minor segment of the market, scooter sales have increased at a very significant rate in recent years.

However the reasons for riding may well change over time. Something not well understood by those who do not ride is the sheer enjoyment of riding and many people starting out on a smaller bike will upgrade to a larger and better performing motorcycle for recreational purposes as much as for commuting.

In his study for VicRoads<sup>5</sup>, Professor Marcus Wigan found that motorcycle owners actively enjoyed their daily commute and that motorcyclists were more committed to their chosen mode of transport than even cyclists were.

Some studies have been carried out on modal shift in the UK as a result of the London congestion charge. While there was a significant increase in motorcycle usage in London (motorcycles are exempt from the charge), the increase in crashes was much lower than could have been expected from the increase in usage.

### *Drinking and Drugs*

Anecdotal evidence from police officers would indicate that use of drugs and excessive alcohol while riding may generally be lower than for the general road user population. The former Victorian Motorcycle Advisory Council (VMAC) requested information and a breakdown of motorcycle offences but it was not available from VicPol.

Some information presented to VMAC coming out of the Black Flag/Yellow Flag<sup>6</sup> campaign (funded from the motorcycle levy) tends to show that motorcyclists appeared to be **more** likely to obey laws than car drivers. Certainly offences such as failing to give way and similar were much lower.

A full breakdown of offences by type of offence and vehicle type would be an invaluable tool to anyone interested in road safety – unfortunately this information has not been made available.

## RECOMMENDATION:

**That the RSC request that a full breakdown of information concerning offences committed by all road users be publicly made available.**

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<sup>5</sup> *Motorcycle Transport – Powered Two Wheelers in Victoria; report for VicRoads on behalf of the Victorian Motorcycle Advisory Council, Oxford Systematics, July 2000*

<sup>6</sup> A significant figure presented to VMAC from police studies out of the Yellow Flag/Black Flag project was that a staggering 18% of motorcycle crashes within the CBD are directly caused by taxi drivers. Police recommended that training of some sort be devised for taxis to eliminate this problem. To date nothing has come of this.

### ***Inappropriate Speeds***

There is a significant difference between inappropriate speeds and illegal speeds. Many motorcycle crashes *may* have inappropriate speed as a factor as it is entirely possible that inappropriate speeds can be well within the speed limit. Instead of blanket “speed” campaigns and generic “wipe off five” a better strategy would be to examine what speeds are and are not appropriate.

An example of an excellent campaign is the “If you brake here... you end up here...” advertisement from NSW – it does not mention speed once but actually addresses the issue of inappropriate speed into a corner. This is an advertisement that could easily be used in Victoria (provided we didn’t suffer from the “not invented here” syndrome”)

The emphasis on “speed” as a primary cause of crashes actually mitigates against motorcyclists safety. While speed continues to be emphasised, there is virtually no emphasis placed on other causal factors such as tailgating, inattention (frequently caused by mobile phone use), failure to give way – or, in fact, just plain stupidity as evidenced by riders every day.

A prime example can be found at <http://www.youtube.com/watch?v=4X1gdp83PvY> where a rider known to the author filmed an incident which had nothing to do with speed (neither vehicle was speeding) but with amazing carelessness on the part of the other driver. This sort of incident is not uncommon and usually ends badly for the motorcyclist.

### ***Protective Clothing***

Protective clothing is an important secondary safety feature. The Ulysses Club encourages all riders to wear appropriate protective clothing but would oppose any attempt at mandating it.

The only item of clothing mandated for motorcyclists is the safety helmet. All helmets in Victoria must conform to the AS/NZS-1698 Standard. While this does ensure that a minimum standard of helmet is available for Australian riders, the fact remains that accreditation and testing is expensive and has led to a significant price increase in helmets available in this country.

Additionally, these costs have made it uneconomic for many companies quality helmets to be sold here. For example, BMW produces a range of excellent, if expensive, products which are not offered to Australian riders because of the trouble and cost of obtaining Australian compliance.

There is no sustainable safety argument, for or against any particular motorcycle helmet standard, in favour of any one of Japanese JIS T8133, USA DOT FMVSS-218, European Regulation ECE 22-05 or AS/NZS 1698. Nor is there any credible evidence for product failure for products bearing these standards.

In addition, while the GST does not apply to equipment required for workplace safety it does apply to motorcycle safety equipment. At a minimum, the GST should be removed from crash helmets.

### **RECOMMENDATION:**

**That the RSC recommend a modification of road rules to permit helmets certified to the JIS T8133, USA DOT FMVSS-218, European Regulation ECE 22-05 standards to be sold and worn.**

**That the RSC request that the Victorian Government make representation to the Australian Government concerning the removal of GST from motorcycle safety helmets.**

### ***Licensing and Training***

It is noteworthy that the main issue around improving safety that riders themselves continue to call for is training and licensing.

The Ulysses Club supports the Motorcycle Safety Consultative Committee's (MSCC)<sup>7</sup> paper on a National Graduated Licensing Scheme (GLS) – the paper is available as *Attachment B*.

In summary, some of the basic recommendations were as follows:

- the age for obtaining a motorcycle learner becomes 16 years and 6 months;
- mandatory training and demonstrated competence for everyone seeking a learner permit or licence;
- development of best practice be adopted into a proposed training curriculum;
- 6 months as the minimum duration for holding the learner permit prior to eligibility for provisional licensing;
- The MSCC fully supports a Learner Approved Motorcycle System (LAMS) as a restriction for the entire duration of the learner and provisional licence periods; and
- a separate restricted licence for riders of larger capacity automatic clutch scooters/motorcycles.

#### **RECOMMENDATION**

**That the RSC recommend adoption by VicRoads of the Motorcycle Safety Consultative Committee's Graduated Licensing Scheme.**

#### ***Road environment treatments***

VicRoads has had significant success with the road countermeasure treatments carried out through the Motorcycle Black-Spot Program with the aid of funding from the motorcycle levy.

It must be pointed out that many road problems for motorcyclists do not fall under the auspices of VicRoads but are the responsibility of local councils. Issues such as the inappropriate placement of speed humps on intersections (motorcycles then must negotiate these whilst cornering – a dangerous practice), inappropriate roadside furniture such as rocks and other landscaping, poorly designed and maintained road surfaces are not uncommon throughout Victoria.



About an 80mm difference in the road surface. This can cause a motorcycle to be moved off line or cause problems when braking.

<sup>7</sup> The MSCC is a forum for consultation between the Australian Government and motorcycle safety stakeholders. It consists of representatives from each state, industry (FCAI) and the motorcycle racing controlling body (Motorcycling Australia), originally under the auspices of the Australian Transport Safety Bureau but more recently the Department of Infrastructure and Transport. In 2010 the Australian Government funded the MSCC to meet and develop a paper on a GLS.



Ornamental rocks placed close to the edge of the road where a rider coming off may hit them.

In addition there are many additional issues such as poorly maintained tram lines – tramlines frequently have a breakdown of the road alongside the rails and cause a longitudinal pothole that can trap tyres, especially on smaller motorcycles and scooters.



A pothole alongside tramtracks in Lygon Street Brunswick. Although since repaired, this was there for over a year.

### ***Bicycle Lanes and Tram Tracks***

While motorcycles and bicycles can generally co-exist quite well on roadways, there are many places where the introduction of safety measure for one group of road users (bicycle lanes) has put another group of vulnerable road users at risk.

Implementation of bicycle lanes in some areas has forced riders over onto the tramlines. This has significant implications in wet weather and for smaller scooters in particular



An example in Richmond of poor bicycle lane implementation (also showing poorly maintained tram lines).

These problems may be overcome either by removing some bicycle lanes<sup>8</sup> or, subject to suitable regulatory controls, re-designating some bicycle lanes as single-track vehicle lanes for use by bicycles and motorcycles<sup>9</sup>.

#### **RECOMMENDATION**

**That a review of current road space usage be carried out in consultation with all road users, with particular regard to re-examining areas where motorcycles and scooters have been disadvantaged.**

#### ***Behavioural Change and Road “Safety” Advertising.***

The TAC has put a lot of time and money into producing safety advertisements aimed ostensibly at motorcyclists. With the exception of the “*Put Yourself in Their Shoes*” advert and the levy funded “*Look and Look Again*”, these advertisements (especially the shock/horror advertisements around protective clothing) are generally considered by motorcyclists to have been more aimed at deterring those wishing to take up riding than genuinely trying to improve rider safety.

This TAC advertisement <http://www.youtube.com/watch?v=shOZamchXiE> is a prime example, the final scenes showing a motorcycle crashing for no apparent reason. It appears that the TAC was trying to portray crashing as the inevitable consequence of motorcycling. Needless to say no input was sought from the Victorian Motorcycle Advisory Council (in fact, VMAC members were given only a few hours notice of the release of the advertisement)

Not only did this advertisement meet with derision from motorcyclists, it received criticism from the advertising industry. Here is what Chris Lowe, the Direct Creative Director at Lowe Sydney had to say on the media website Mumbrella:

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<sup>8</sup> This is not as drastic as it sounds. In the example above, removing the bicycle lane still retains a left lane which is able to be used by motorcycles and bicycles alike. This shared lane is already the case in places like Sydney Road in non-clearway times. In these situations there have been very few reports of conflict between bicycles and motorcycles.

<sup>9</sup> Shared use of these lanes would be subject to a speed limit for motorcycles and a requirement that bicycles have priority.

*“It looks like the TAC doesn’t care for motorcyclists: it doesn’t feel like an ad from an organisation with riders’ interests at heart. It puts motorcyclists in the same bucket as drink-drivers and drug abusers. And because it doesn’t engage its audience in a positive way, it’s already failed.*

*Motorcyclists, instead of being receptive to critical safety messages, are ostracised. And car drivers, whose attitudes towards two-wheelers of any description are notoriously negative, are now given official sanction to believe that all motorcyclists are hoons or speed freaks.”*

If this advertisement is compared with the Think! Campaign from the UK, the agenda becomes clear...

*A Perfect Day* [http://www.youtube.com/watch?v=T-xK\\_t-A\\_8E](http://www.youtube.com/watch?v=T-xK_t-A_8E) is aimed directly at riders.

*Named Rider* <http://www.youtube.com/watch?v=AKqZfbH8WNU> is aimed at making drivers aware of riders.

## **RECOMMENDATION**

**That motorcyclists be consulted about any safety advertisements directed at them.**

**That the possibility of using suitable advertisements from other jurisdictions be examined.**

### ***The Motorcycle Safety Levy***

In May 2002, the Victorian Government announced that a Motorcycle Safety Levy would be introduced. The aim of this levy was to implement safety initiatives over and above the annual motorcycle safety programs conducted by the TAC, VicRoads and Victoria Police.

Leaving aside the fairness implications of a levy on only one class of road user, the upshot of the levy is that there has been a very limited spending on motorcycle safety outside of the levy. In fact, in the case of VicRoads, spending that should have been carried out using VicRoads normal budgetary processes has been taken from the levy.

In 2004, the Rider Handbook was revamped and funded from the levy as was the implementation of the Learner Approved Motorcycle Scheme. While research and study into the efficacy of the LAMS scheme may, at a stretch, come under the levy funding, the actual implementation of it should not have. There is also a concern that implementation of a Graduated Licensing Scheme may be funded from the motorcycle levy.

It is fair to say that motorcyclists are the only road users that have been forced to pay for their own safety. Comparing the relatively small amounts of non-levy money spent on motorcyclists with the \$18 million per year that was allocated to cyclists the unfairness is immediately obvious. This is not an argument for spending less on cycling facilities, it is an argument for spending far more on motorcycles.

The levy has had some positive results. The motorcycle black-spot funding has resulted in a genuine reduction of crashes at those sites where treatment has been carried out. There have been some good research projects and there are some projects underway which may produce some good results. The VicRide on-road coaching trial shows promise and the Community Policing and Education project promises to produce some useful information.

It still remains however that the levy is fundamentally unfair in its approach by targeting only one type of road user and that there is an attitude by the various agencies that *anything* to do with motorcycles is fair game for funding from the levy.

## **RECOMMENDATION**

**That the basis for the motorcycle levy be examined with regard to its fairness and that a review be carried out of funding for motorcycle safety projects.**

**That specific criteria be set for what projects should be funded by normal Departmental administration funding and *not by the levy.***

### ***Stakeholder Representation***

The previous Victorian Motorcycle Advisory Council was set up by the Kennett government with a wide ranging brief:

*To advise the Minister for Roads and Ports on the management and development of motorcycling in Victoria and to encourage a co-ordinated approach to motorcycling policies and programs amongst the responsible agencies.*

*In developing advice for the Minister, the Council will:*

- *consult broadly with industry and community motorcycling interests throughout Victoria to identify current and emerging issues and needs;*
- *monitor the extent of and trends in, motorcycling in Victoria;*
- *monitor and evaluate the operation of existing regulations, facilities and services relevant to motorcyclists;*
- *encourage a co-ordinated approach to motorcycling policies and programs across Government agencies;*
- *contribute to the development of education measures and/or programs relevant to motorcycling;*
- *review all and provide advice on project proposals for funding under the TAC Motorcycle Safety Levy program, provide input from and feedback to the community about the program, and recommend an annual TAC Motorcycle Safety Levy program for the Minister's approval.*
- *provide an annual report on the TAC Motorcycle Safety Levy program for the Minister for Roads and Ports*
- *contribute to the preparation and distribution of up to date, relevant information about motorcycling policies and programs in Victoria;*
- *give particular consideration to approaches and measures, which promote the safety of motorcyclists (One representative of the Council will also be nominated to sit on the Road Safety Reference Group which supports the **arrive alive 2002-2007** Strategy).*

The terms of reference for the new Motorcycle Advisory Group which replaces VMAC have been disappointing. The Group has gone from advising the Minister to advising VicRoads (as requested). The ability to review and provide advice on the levy spending has also vanished and the proportion of active riders on the group has actually diminished. The transparency and accountability for use of the levy funds has been seriously reduced by this move.

*The objectives of the Motorcycle Advisory Group are to:*

- *provide a forum for exchange of information between stakeholders and VicRoads,*
- *advise on trends in motorcycling in Victoria,*
- *contribute to the development of strategies, action plans and program guidelines,*
- *provide advice on specific issues as requested by VicRoads, and,*
- *in relation to the Motorcycle Safety Levy,*
  - *provide advice on the Strategic Guide to Expenditure, and*
  - *provide advice on program guidelines for projects.*

There is no longer to be any communiqué issued from the meetings and while members are expected to convey information back to stakeholders, without any guidelines the confidentiality provisions of the overall terms of reference would appear to preclude this.

The previous VMAC had a long battle to achieve credibility with riders owing to the lack of information and reporting that was done. The advent of the Chairman's Communiqué went some way to changing this. Unfortunately the current terms of reference, lack of accountability and transparency will only reduce the credibility and increase the already high levels of cynicism amongst riders.

*ATTACHMENTS*

*ATTACHMENT A: Motorcycle Safety Summit report*

*ATTACHMENT B: MSCC Paper on a National Graduated Licensing Scheme*

*ATTACHMENT C: Ulysses Club Submission on the National Road Safety Strategy*