

TRANSCRIPT

ROAD SAFETY COMMITTEE

Inquiry into motorcycle safety

Melbourne — 18 October 2011

Members

Mr A. Elsbury

Mr T. Languiller

Mr J. Perera

Mr M. Thompson

Mr B. Tilley

Chair: Mr M. Thompson
Deputy Chair: Mr T. Languiller

Staff

Executive Officer: Ms K. Jenkins

Research Officer: Mr J. Aliferis

Witness

Mr D. McAuliffe.

The CHAIR — Ladies and gentlemen, we now commence the submission by Mr David McAuliffe. Mr McAuliffe, thank you for coming along to appear before our inquiry today. We have been in the beneficial position of having received some 68 submissions that have as their object improving motorcycle rider safety in Victoria. Your comments have the benefit of parliamentary privilege while made before us, and they will be recorded by Hansard staff. You will get a copy of your comments. Once received, that can be corrected for typos and returned to the committee. We will then place it on our website. Should you wish to make any comments in camera, you have that option as well. We can be then better informed.

We are compressed for time, but we would like to allow you the full time to put on the record the comments that you have spent time preparing. If you open the batting now, we will listen carefully.

Mr McAULIFFE — Thank you, Chair, and thank you very much to the committee for the opportunity to present this submission. In my original submission I spoke about a number of things. I spoke about what I regard as a fairly dismal use of statistics by a number of the government authorities; however, other submissions to the inquiry have covered this in greater depth than me. Given that the TAC and VicRoads submissions both acknowledged the need for more accurate statistics as a means of analysing and understanding motorcycle safety, I do not wish to add anything further to that side other than my support for the collection of much better data and for a more transparent process as to how that data was actually arrived at.

I also spoke about the need for consultation. In particular I am concerned that the Minister for Roads no longer has a source of advice on motorcycling which is independent of government agencies. The new Victorian Motorcycle Advisory Group is planned to report through VicRoads, as I understand it, and not directly to the minister, as was the former arrangement with the Victorian Motorcycle Advisory Council. I see this as having particular relevance to the lack of transparency in how the motorcycle safety levy is used, and it also is a possible limitation for full and frank discussions with representatives of the Victorian motorcycling community.

Given sufficient time I would have also liked to have discussed legalising filtering. I personally see that filtering at low speed through stationary traffic or traffic travelling at a very low speed has very little risk. It is pointed out that it is legal in a number of jurisdictions within the USA and Europe.

Mr LANGUILLER — For the purpose of the public and for the record, would you explain what you mean by ‘filtering’?

Mr McAULIFFE — The usual explanation for filtering is when a motorcycle travels between streams of traffic, usually stationary or virtually coming to a halt as they approach a red light. It is a means by which the motorcycle can get to the front of the traffic and take off ahead of the traffic into clear space once the light turns green.

Mr PERERA — The vehicles do not have to be stationary?

Mr McAULIFFE — The term is used slightly differently by different people. Some people would use it specifically to refer only to stationary traffic. One of the issues of filtering obviously is that if you are filtering down the line and the light turns green traffic may start to move, so again, as you approach or come back in, for a short time you could also be travelling between traffic that is moving. But, as I said, we are talking about low speed; my use of the term ‘filtering’ does not imply travelling between high-speed traffic.

Mr PERERA — It would be hard to police.

Mr McAULIFFE — It is only hard to police if it is illegal. I might add that police filter regularly and do not have much problem doing it, as do probably hundreds and possibly thousands of motorcyclists on a daily basis.

I note that VicRoads’ submission has made some attempt to quantify the crashes arising out of filtering and splitting, and the attempt is, even by their admission, not especially accurate. But even on their estimates the numbers are not significant. The bottom line is that, as I said, lots of motorcyclists split on a regular basis, on a daily basis, and if there was a serious crash risk from it, VicRoads would know about it and would have statistics to quantify it.

Given that I have only a limited amount of time today, I have tried to work out what issues raised in my original submission would have the most impact in terms of assisting motorcycle safety. Based on that I have decided to

limit my comments in detail to only one matter, and that is new rider training. I believe that falls neatly under the committee's term of reference (h), 'new initiatives to reduce motorcycle crashes and injuries'.

Riding a motorcycle requires a different set of skills than driving a car. Some of these skills are not immediately natural or intuitive; they need to be learnt and they need to be practised. For example, to corner a motorcycle a motorcycle needs to be leaned. However, for a learner, once the motorcycle starts to lean it may begin to feel unstable. As a result, part-way through a turn an inexperienced rider may panic that they are leaning too far, stop leaning and possibly even brake. In fact this is more likely to lead to a crash than leaning the bike more. By stopping leaning the bike will straighten up and it will make the bike run wide, either coming off the road on a right-hand corner or going onto the other side of the road and into oncoming traffic on a left-hand corner.

A further example of a skill which requires practice is hard braking. In an emergency if braking is done incorrectly, it is highly likely that that in itself will cause a crash. Most motorcyclists are also drivers and consequently in an emergency the inexperienced rider will react like a driver and is likely to stand hard on the rear brake pedal. This is likely to cause the rear wheel to lock up and in turn cause the rear of the bike to slide out from under the rider. Even if the bike does not crash, using the rear brake is not overly effective, as most of the braking on a bike is done by the front brake. However, again, simply grabbing the front brake in an emergency is likely to cause the front wheel to lock up, resulting in a high-side, a situation where the front wheel skids and collapses under the bike, catapulting the rider and possibly even the motorcycle into the air. Over time and with practice an inexperienced rider will pick up the necessary skills to corner and brake correctly. The problem is: what happens if the learner experiences an emergency where those skills are needed before they have learnt them? Basically, the results can be fatal.

One solution to ensure that inexperienced riders quickly gain the necessary skills to save their lives and prevent injury is additional training. By this I am not talking about high-speed, advanced riding techniques; I am talking about the fundamental skills, like cornering, braking and road craft. The problem with additional training is that done through traditional providers it is expensive. Typically a two-day intermediate course through providers such as HART costs upwards of \$250. For a new rider who has just spent several thousands of dollars undertaking the training necessary to get his learners permit or restricted licence, purchasing and insuring his bike and purchasing protective gear, this may not be an option. For some inexperienced riders the additional expense will be prohibitive, and they will simply forgo the training that may save their life.

Through Netrider, I am involved in a voluntary arrangement where learners and inexperienced riders can practice their skills in a relatively safe environment and under observation by more experienced riders. Regular Saturday morning practice sessions have taken place for some years now in a large car park away from traffic. The sessions give new riders the opportunity to practice skills like cornering and braking and to get used to the feel of leaning in a safe environment away from the risks of collisions with other traffic. The sessions also allow new riders the opportunity to discuss any difficulties they are having and to seek advice on how such difficulties can be overcome. It allows learners to discuss the near misses they may have had and to find out what they have done wrong and what, possibly, they could have done to stay safer. There is no charge for these practice sessions and no payment for the riders who provide them. It is done purely out of the camaraderie between riders and a belief that newer riders should be given the best possible chance to stay safe and alive. It should also be noted that the riders facilitating these sessions are not qualified trainers or instructors but are simply providing newer riders with the benefit of their experiences.

Most new riders who regularly attend the practice begin to show remarkable improvement within a few sessions. The practice sessions are not specifically aimed at assisting learners to pass their restricted licence test and do not specifically practise the components of that test. However, most of the learners have reported that the sessions have helped considerably in passing their test, and I believe this is evidence that the sessions work in developing fundamental riding skills. A further benefit of the practice sessions is that as riders socialise at the sessions they learn their conduct from those around them and are more likely to mimic safe behaviours, such as always using protective gear, when they see other riders using them.

Organising the practice sessions is not without some difficulties. There are a limited number of suitable locations available, and our main practice location and meeting point is a beachside car park which we have virtually to ourselves in the winter months. However, in summer the car park is full of other vehicles, rendering it unsuitable. Our solution to date has been to use isolated and virtually empty roads in industrial estates which have little traffic. Unfortunately the location we were using last summer became unsuitable when building

activity in the estate increased, causing an increase in the volume of traffic and rendering the road surface unsuitable for learners due to construction vehicles dragging mud from the construction sites onto the road.

Another problem is the legality of conducting such practices on a public road. While no laws are actually being broken, the concentration of a large number of motorcyclists in a public area can attract attention from the authorities, who could ask the group to move on. I hasten to add that while this is seen as a potential problem we have had no problems with it to date. Local traffic police appear to be aware of our practice sessions, and while I understand they cannot officially support our activities my conversations with individual officers indicate that they recognise that we are causing no problem and we are probably doing considerable good. However, if we were to be forced to move to a different location, we would need to re-establish that goodwill, and this is something that cannot always be guaranteed.

Another issue with the lack of suitable locations is that some learners need to ride considerable distances to get to practice. For example, we have had riders come to our inner Melbourne location from as far afield as Crib Point, Whittlesea, Doreen and even Ballarat. For learners with limited riding skills it is not necessarily desirable to have to ride such a distance, and it means that at the time when learners need the assistance most they are least equipped to actually get there. While we attempt to provide assistance, escorting where we can, distance is often a factor which simply prevents new riders from attending. This issue could be overcome if similar practice sessions were being run in a greater number of locations throughout the metropolitan area and even possibly in provincial cities.

A further potential problem is one of public liability. Occasionally learners make a mistake and crash. Thankfully this has been rare, and to date we have had no real injuries apart from the odd bit of bruising or scratches. However, the possibility is there, as is the possibility of damage to a third party's property. While learners attend on a purely voluntary basis and it is understood that the advice given is given in good faith, if a serious injury or significant property damage occurred, the legal liability of the learner or volunteer coach is not clear, and I suspect it could turn into a legal minefield.

In addition to the group practice sessions, volunteers also provide, if requested, one-on-one mentoring in on-road rides. This provides an opportunity for inexperienced riders to ride on the road with an experienced rider who can look out for them and if necessary provide a buffer against traffic. At the same time, the experienced rider provides them with critical assessment of their riding technique and road craft skills, provides coaching and makes suggestions for improvement if needed.

Finally, a third aspect of assisting new riders is a program of learner rides. Sooner or later every new rider wants to go on a long ride, or a longer ride. Given that most learner riders have lived in and have initially only ridden in suburban environments, this presents new challenges which can pose a risk. A number of the experienced riders regularly run rides specifically aimed at inexperienced and learner riders. On these rides new riders are specifically encouraged to ride at their own pace and never ride faster than they are comfortable with or capable of. By having a system of ride leaders and riders marking corners, new riders do not have to stay in line of sight of the rider ahead and are able to ride at their own pace and not feel pressured to ride faster than they want to lest they get left behind or lost. The rides specifically recognise that learners may not be used to riding long distances and are deliberately kept short, with frequent rests and regrouping breaks. The rides introduce riders to country riding in a controlled manner and with a support group to provide assistance should anything go wrong. Again, the introduction in a group provides the opportunity to discuss issues the new rider may be having and safety strategies and issues specifically related to country riding.

I see this arrangement of practice sessions, one-on-one mentoring and learner rides delivered by experienced riders on a voluntary basis as providing the government with a model for delivering low-cost additional training and support for inexperienced riders. Over a couple of years a handful of individuals acting in a voluntary capacity have helped hundreds of new riders to gain the basic riding skills and road craft necessary to ride safely and avoid crashes and serious injury and death. If the Victorian government were to facilitate such schemes delivered by volunteers across the whole of Victoria, training could be extended to thousands of new riders.

The benefits of such a scheme would be an expected reduction in serious injuries and fatalities in new and returning riders through providing controlled and safe environments for new riders to practise in while developing their skills; providing better and continued training for new riders; encouraging the proper use of protective gear through the example of peers and more experienced riders; providing feedback and constructive

criticism so that any mistakes in technique can be rectified early; providing a network where new riders can exchange ideas, experiences and tips about staying safe; ensuring that new riders are exposed to the risks and challenges of non-suburban riding in a controlled and progressive manner; and finally, providing a network through which the government messages about developments in safety gear, new safety technologies et cetera can be readily promulgated to new riders.

The concept of using volunteers to deliver programs consistent with community needs is not new. Governments regularly facilitate and support through funding a variety of programs to provide support services to the community via volunteers, be they charities, service organisations, community interest groups or more formal organisations such as the SES and CFA.

In a motorcycling context I note that at page 63 of its submission VicRoads has also given consideration to a volunteer-type scheme in addressing the need to provide an emergency response to motorcycle crash victims in remote areas, where it has explored the possibility of provision of first-aid training to drivers and of training volunteers along popular motorcycle routes.

The idea of delivering government-approved programs through volunteers is not new, and I would encourage the government to develop it further in the case of additional rider training for new riders. Based on that, my recommendations to the committee are that the government commit to the principle of delivering additional training to new riders through a coaching program delivered by volunteers, and that in support of this relevant government agencies be requested to develop programs aimed at providing safe locations where new motorcycle riders can practise basic motorcycle riding skills in a traffic-free, safe and controlled environment; develop a network of experienced riders to deliver ongoing practice sessions, one-on-one mentoring and learner-suitable rides for new riders; protect the public liability of any rider delivering or participating in such programs; and finally, identify such additional training as may be required and deliver it to the volunteers conducting the practice sessions or rides. That basically concludes my submission. Again, I would like to thank the committee for the opportunity to present it.

The CHAIR — Thanks very much, Mr McAuliffe. You mentioned earlier on that you have resumed the sport of motorcycle riding in more recent times. What is your work background?

Mr McAULIFFE — Work background, as distinct from?

The CHAIR — Your voluntary background of running your volunteer motorcycle training program.

Mr McAULIFFE — You mean my employment background?

The CHAIR — Yes.

Mr McAULIFFE — I am currently an employee of the commonwealth government in the Department of Defence. Prior to that I had a short stint of retirement, and before that I spent many years as a Victorian government public servant.

The CHAIR — Thank you. You gave us a very well presented submission, and we thank you for the measured and concise way in which it was presented.

Mr LANGUILLER — Thank you very much for your submission and very focused contribution. May I say that you are making it awfully difficult for this committee to not take up the recommendations.

Mr McAULIFFE — I am gratified to hear that.

Mr LANGUILLER — To get down to it, you talked extensively — and I thank you for that — about the role that volunteer organisations may play. Firstly, if you think it is convenient for the committee and the public to know, you mentioned that riders come to your practice sessions but you did not name the site. Is there a reason why you did not? If you think it is not convenient, I am quite happy to accept silence on the subject.

Mr McAULIFFE — The site is a public car park. I am not entirely sure who is responsible for it. There is some suggestion that it could be a local council and some suggestion it could be leased to a private organisation. Basically we have not had any problems to date, but the more it is advertised the more I suspect — —

Mr LANGUILLER — I am happy to accept that. I will take you further on the following topic, and I thank the Chair for allowing me to pursue this question, because I must confess it has been a bit of a personal interest. You talked about volunteer organisations: who are they? Are they the clubs? Which ones? Are there any clubs which you would exclude? Would they be capable of undertaking this role of being a volunteer organisation? Would you suggest that you need to train the trainer, as happens in other models? Are you saying that we can replace the existing provider agencies such as HART and DECA, or are you suggesting that they can complement the role of these existing providers and agencies and the services that they provide? Can you be more specific about it? Do you understand? You have identified the issues, and we have noted them, including public liability issues and who is going to be responsible if the clubs undertake X, Y and Z. May I conclude my remarks by saying we do have other models that work and work well. In fact Australia has been the highlight in that the majority of firefighters happen to be volunteers, the majority of lifesavers are volunteers, and the list goes on and on. Can you please expand further, and be specific if you can?

Mr McAULIFFE — Firstly, I do not see this in any way replacing the sort of training that HART, DECA and like bodies perform. I think they perform an excellent service. The difficulty, as I said, is that that training is expensive. It is probably a different style of training too. In some ways what we are looking at, I guess, is the basic skills. These are the sorts of things that the likes of HART and DECA will provide when someone goes for their learners permit or their restricted licence. But once they have those pieces of paper, or their plastic card I should say these days — I am showing my age — they tend not to want to go back and pay that same money to have that again and again.

Basically there is a need for somewhere where people can practise in safety and have their skills critically assessed and information given as to where they are going wrong, what they are doing and what they should be doing, and they are simply able to practise. Something like emergency braking is basically not something you can necessarily do. In fact no person can really say they will do it properly in a genuine emergency when the adrenaline kicks in. All they can hope for is that if they have practised it sufficiently, the muscle memory of their body will do the right thing and get them through.

Mr LANGUILLER — Do you mind if I interrupt? With respect, I do not think the committee would question that. The issue would be who is it with, who are the partners? Can you name them? Would they be registered or otherwise?

Mr McAULIFFE — My vision would be if the government committed to such a program — —

I mean, we have been doing it on an informal basis, and we teach what we believe are the basic skills. It may well be if there was a properly researched program, that someone would come up with a different skill set that should be taught. I am happy for that, provided that that is done on the basis of proper data. But you also asked about whether these people should be trained. Ideally they should.

Mr LANGUILLER — Who are they? Can you identify them?

Mr McAULIFFE — I would suggest simply volunteers in the same way as are lifesavers, SES and CFA members. They are just members of the community with an interest.

Mr LANGUILLER — What about motorcycle clubs?

Mr McAULIFFE — Motorcycle clubs would be a good source — clubs such as Ulysses, the BMW motorcycle club and through to the Honda riders association. A lot of these have the interests of helping their own members improve their skills. They could do it for their own members, but there are also people who are not members of clubs, and those people need to be able to go somewhere else. If the club is happy to take on a responsibility for training whoever turns up, that is fine.

The other problem with clubs is that probably the number of riders in clubs is still reasonably limited, so you do not really want to limit your availability of volunteers by putting any restriction on it, like that they have to be a club member or something. However, if the government was prepared to take on training of these people so that their effectiveness in providing ongoing training was improved, I think this would be an excellent idea. As I said, the other issue is that there needs to be some form of public liability insurance so that the persons delivering this training know they will not be held liable if something goes wrong.

In terms of your earlier question about where we practise, one of the issues is that if I were to go and write to, for example, a local council and ask for permission to use their car park as a place to conduct this practice, I can pretty much guarantee the answer would be no, because they would worry about public liability that they might incur. So again, we are in this sort of vicious cycle where, unless something is done by the government to make it clear that this is not going to cause a problem and to protect the people who are delivering the training and providing the car parks et cetera, then there can be problems.

The CHAIR — I will interrupt because we are slightly constrained by time. For members of Parliament who sit through the night it may not be arduous, but we have some other people working with us at the moment and we need to allow time for a meal break before we resume later. If my colleagues would like to ask further questions, they should feel free to do so. All my colleagues, including parliamentary staff, who need to duck away quickly should feel free to do so while we run the last couple of questions so that we have them on the record.

Mr McAULIFFE — Alternatively I am available to wait, depending on the committee's program later this evening.

The CHAIR — We have at least seven or eight speakers lined up for after dinner, and we need to manage that wisely and constructively.

Mr TILLEY — I have a quick question that follows on from my colleague Mr Languiller in relation to the volunteer program. I am interested in what you have to say. At this point in time have you made any contact with any of the road safety agencies, such as VicRoads or the TAC, in relation to these types of activities?

Mr McAULIFFE — I have not. Again the problem I foresee at this stage is that public authorities are unlikely to give their approval to such a program on an informal basis for fear of in any way leaving themselves responsible for anything if it goes wrong. This is why I would like to see if the program is adopted by government, that it be properly managed with proper consideration of what the training should consist of, how it should be delivered and who should deliver it.

The CHAIR — Jude has a quick question. I would like him to put it on the record, and we can pursue it later.

Mr PERERA — When you do this training in the car park, can you clarify — probably you have done some research work with it — whether in the case of an accident it will be covered by the TAC?

Mr McAULIFFE — The car park is a public place, and therefore I believe it does come under TAC coverage. The riders are all licensed or have learners permits — —

The CHAIR — We are getting a message from somewhere, and I might use that as a good point for interjection. Jude has put the question on the record. There is a practical answer, and we can work with our research staff. We may be able to document that via email in terms of your knowledge and have that very important point clarified. We have it on the record, though. On behalf of my colleagues I thank you very much for your evidence. Sorry we have had to curtail you, but we can work via email to put more material into the mix.

Mr McAULIFFE — I thank the committee.

Witness withdrew.